

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित

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सं० ४०] नई दिल्ली, शनिवार, अक्टूबर ७, १९६७/आश्विन १५, १८८९
 No. 40] NEW DELHI, SATURDAY, OCTOBER 7, 1967/ASVINA 15, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र १९ सितम्बर १९६७ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 19th September, 1967.

Issue No.	No. and Date	Issued by	Subject
443	S. O. 3303, dated 15th September, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
	S.O. 3304, dated 15th September, 1967.	Do.	Further amendment to the Exports (Control) Order, 1962.
444	O. 3305, dated 16th September, 1967.	Election Commission, India.	Amendments in notification No. 508/UP/67, dated 11th January, 1967.
445	S.O. 3306, dated 16th September, 1967.	Central Board of Direct Taxes.	Corrigendum to S. O. 2460, dated 22nd July, 1967.
446	S. O. 3307, dated 16th September, 1967.	Ministry of Commerce.	Quality control and pre-shipment inspection of solvent extracted oilcakes.
447	S. O. 3308, dated 16th September, 1967.	Do.	Direction that the order No. S. O. 1196, dated 13th April, 1966 shall continue to have effect for a further period upto 15th October, 1967.

Issue No.	No. and Date	Issued by	Subject
448	S. O. 3309, dated 18th September, 1967.	Ministry of Home Affairs.	Extending upto the 31st December, 1967, the period within which the Commission of Inquiry shall make its report.
449	S. O. 3310, dated 19th September, 1967.	Ministry of Information & Broadcasting	Approval of the films as specified therein.
	S. O. 3311, dated 19th September, 1967.	Do.	Approval of the film as specified therein.
450	S. O. 3406, dated 19th September, 1967.	Ministry of Industrial Development and Company Affairs	Rescission of the Commercial Vehicles (Distribution and Sale) Control Order, 1963.
	S. O. 3407, dated 19th September, 1967.	Do.	The Scooters (Distribution and Sale) Control (Amendment) Order, 1967.

ऊपर लिखे प्रसाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइम्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II-खण्ड 3-उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION, INDIA

New Delhi, the 22nd September 1967

S.O. 3508.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 3rd August, 1967 by the High Court for the States of Punjab and Haryana at Chandigarh in Election Petition No. 35 of 1967.

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

(Election Petition Side)

ELECTION PETITION No. 35 of 1967

Jagan Nath son of L. Mathura Dass, Advocate, Moga, District Ferozepore—
Petitioner.

Versus

1. Shri Sohan Singh Basl, Member Parliament, 17-D Defence Colony, New Delhi.

2. Shri Nirbhy Singh Dhillon 82, Jhoke Road, Ferozepore Cantt.—Respondents.

Petition under Section 80 of the Representation of People Act, 1951 calling in question the election of Shri Sohan Singh Basi respondent No. 1 elected from the Ferozepore Parliamentary Constituency and praying that the election of the returned candidate be declared void and the petitioner be declared to have been duly elected as Member of the Lok Sabha from that constituency.

Dated the 3rd August, 1967

PRESENT:

The Hon'ble Mr. Justice A. N. Grover

For the Petitioner.—Mr. J. N. Kaushal, Senior Advocate with Mr. M. R. Agnihotri, Advocate.

For the Respondent.—Mr. H. L. Sibal, Senior Advocate with M/s. B. S. Dhillon and S. S. Bindra Advocates and also Mr. B. S. Bhand Advocate.

JUDGMENT

This is a petition of Shri Jagan Nath, Advocate of Moga, calling in question the election of Shri Sohan Singh Basi, respondent No. 1, who was declared elected from the Ferozepore Parliamentary Constituency to the Lok Sabha. The Petitioner and respondent No. 1 polled 149558 and 162198 votes respectively. Originally two prayers were made in the petition. The first was that the election of the returned candidate be declared void and the second was that the petitioner be declared to have been duly elected as member of the Lok Sabha from that constituency. During the trial of the petition the second prayer was given up.

The election of respondent No. 1 was attacked primarily on the following four grounds:—

- (1) The said respondent was not qualified for the membership of Lok Sabha under section 4 of the Representation of the People Act, 1951 (hereinafter to be referred to as the Act) as he was not an elector in any Parliamentary Constituency. He had filed a certified copy of the entry in the electoral roll of the Parliamentary Constituency of Ludhiana but since he never resided in Jagraon (District Ludhiana) nor did he own or possess any dwelling house there he was not entitled to be registered as an elector of Jagraon. Furthermore his permanent residence was at New Delhi and at Assam. In addition, the application form requesting for registration at Jagraon purported to have been filed on 29th December 1966 whereas the name appeared to be included in the roll on or before 24th December 1966. The application was neither signed by respondent No. 1 nor contained any mention of the date or place. Everything appeared to have been done in a suspicious manner with a fraudulent intention either by taking into confidence the registering authorities or hoodwinking by suppressing material facts with the connivance of one Shri Lachman Singh, M.L.A. of Jagraon.
- (2) Respondent No. 1 was disqualified on the date of filing the nomination papers as well as on the date of declaration of his result by reasons of the provisions contained in Article 102 of the Constitution, read with section 9-A of the Act. This was because of subsisting contracts having been entered into by him with the Central Government for the supply of goods to or for the execution of certain works undertaken by the Central Government. Respondent No. 1 was a Director of Excavators (India) Private Ltd., New Delhi, which company had at all material times subsisting contracts with the Director-General of Supplies and Disposals, Government of India, New Delhi. These contracts were for the supply of Lorrains Equipments which the company imported from Ohio (U.S.A.). Respondent No. 1 was also running his business in the name and style of Continental Construction Company (Private) Ltd., New Delhi, for which he was the Assistant Managing Director. Besides, he was a Director of M/s. Bahri & Company (P) Ltd., Calcutta. Both these companies had subsisting contracts for supply of goods to and for the execution of works undertaken by the Central Government. There was a general allegation that respondent No. 1 had various other subsisting contracts for the supply of goods as well as the execution of works undertaken by the Central Government, detailed particulars of which were to be submitted during the course of evidence.

- (3) Corrupt practices of bribery had been committed by respondent No. 1 himself or through his agents and with his consent of which instances were given in sub-clauses (a) to (m) of clause (v) of paragraph 7 of the petition.
- (4) Out of 11,149 votes which had been declared to be invalid, majority of votes had been cast in favour of the petitioner. The Returning Officer had illegally and with a *mala fide* motive rejected those votes which had materially affected the result of the election so far as the returned candidate was concerned. In the written statement filed by respondent No. 1 a number of objections were raised and it was *inter alia* pleaded that so far as the registration of respondent No. 1 as an elector was concerned. It was final for all purposes and this Court had no jurisdiction to go into the matter at the state. It was maintained that respondent No. 1 was properly enrolled at Jagraon where he was ordinarily residing at the appropriate time. It was denied that on the date the nomination papers were filed or on the date of scrutiny there subsisted any contracts between respondent No. 1 and the Central Government of the nature alleged. It was admitted that respondent No. 1 was a Director of Excavation (India) Private Ltd., New Delhi, which had entered into certain contracts with the Director-General of Supplies and Disposals. The Central Government or any other Government, however, had not contributed any share capital to the aforesaid Private Company. It was further admitted that respondent No. 1 was a Director of Continental Construction Company (Private) Ltd. as also of M/s. Bahri & Company (P) Ltd., Calcutta. So far as the first company was concerned, it was stated that there was no subsisting contract of the nature alleged. As regards the second Company, it was admitted that certain contracts with the Central Government for supply of goods were subsisting but it was maintained that no disqualification was incurred on that ground. It was repeated that the capital of the Private Limited Companies of which respondent No. 1 was a Director had been subscribed to by Private shareholders and the Government did not have any share capital in them. The allegations regarding corrupt practices were firmly denied and all the other material facts relating to those allegations were stated. Apart from raising an objection in respect of want of particulars with regard to the improperly rejected votes respondent No. 1 pleaded that at the time when the votes were rejected objections were invited by the Returning Officer and they were properly decided. Out of these rejected votes, some had been cast in favour of the petitioner, some in favour of respondent No. 1 and some in favour of other candidates. The petitioner never took any objection with regard to the rejection of votes at any previous stage.

Respondent No. 1 entered appearance and filed his written statement on 15th May 1967. Mr. A. S. Ambalvi appeared for respondent No. 2 and stated that his client was ill and, therefore, he had not been able to file a written statement. Certain preliminary issues were framed on that day and Mr. Ambalvi was given time till the next date of hearing for filing the written statement. The case was fixed for arguments on the preliminary issues on 19th May 1967. On that date no one appeared for respondent No. 2 nor was any written statement filed on his behalf. Ex-parte proceedings were ordered to be taken in respect of respondent No. 2. Counsel for the petitioner and respondent No. 1 agreed that the preliminary issues which had been framed did not arise in view of the decision of the Full Bench in Election Petition No. 15 of 1967 decided on 17th May 1967 by which the question whether any objections of the nature raised in the petition to the enrolment of respondent No. 1 as an elector in the electoral rolls of the Ludhiana Parliamentary Constituency could be raised stood concluded.

The following two issues were framed on the merits:—

1. Whether respondent No. 1 has committed the corrupt practices as detailed in paragraph 7(v) (a) to (m) of the petition?
2. Whether respondent No. 1 has subsisting contracts with the Central Government for the supply of goods and execution of work undertaken by the Central Government? If so, what is its effect?

The petitioner produced 11 witnesses, apart from putting himself in the witness-box. Respondent No. 1 produced two witnesses and gave his own statement.

I propose to dispose of issue No. 2 first because there is hardly any dispute on material facts relating to that issue. It stands admitted that respondent No. 1 is a Director of Excavators (India) Private Ltd., New Delhi, which had certain subsisting contracts with the Director-General of Supplies and Disposals, Government of India, New Delhi. The Government had, however, made no contribution to the share capital of the company. The position was similar with regard to M's. Bahri and Company (Private) Ltd., Calcutta.

Now, section 9-A of the Act provides that a person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government. Section 10 lays down that a person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government had not less than 25 per cent, share. Before the Representation of the People (Amendment) Act No. 58 of 1958, section 7(d) was worded thus—

"7. A person shall be disqualified for being chosen as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State—

* * * * *

(d) if, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the appropriate Government."

After the amendment made by the Representation of the People (Amendment) Act, 1958, clause (d) of section 7 was altered as follows:—

"If there subsists a contracts entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to or for the execution of any works undertaken of that Government."

Section 9-A was introduced by the Representation of the People (Amendment) Act No. 47 of 1966. The language of this provision however, was indentically the same as it existed in clause (d) of section 7 after the amendment made in 1958. Thus, the only provision relevant for this case relating to disqualification on account of Government contracts etc., is to be found in section 9-A. As has been pointed out by Dixit C.J. delivering the judgment of the Division Bench in *Satyra Prakash v. Bashir Ahmed Qureshi* (A.I.R. 1963 M.P. 316), after the amendment of 1958 the language of section 7(d) showed that in order that a person could be said to be disqualified for being chosen as, and for being a member of either House of Parliament or of the State Legislative, three conditions must be satisfied. They are; first, that there must subsist a contract between the person and the Government; secondly, that the contract must be one entered into by the person in the course of his trade or business; and, thirdly, that the contract with the appropriate Government must be for the supply of goods or for the execution of any works undertaken by that Government. The learned Chief Justice, with respect, rightly pointed out—

"A person having a mere beneficial interest in a contract entered into by some other person or body is not disqualified under section 7(d). The words 'contract entered into in the course of his trade or business by him' occurring in clause (d) of section 7 exclude from the purview of that clause a person who has not directly by himself entered into a contract but who has indirectly any share or interest in any contract concluded by another person or body with the Government. Thus the disqualification under section 7(d) does not attach to the share-holder of a company which has entered into a contract with the Government."

Mr. J. N. Kaushal for the petitioner has referred to the policy underlying the original enactment relating to disqualifications as explained in *Chatturbhuj Vithaldas Jasani v. Moreshwar Parashram* (A.I.R. 1954 S.C. 236 at P. 243): Referring to Section 7(d) of the Act it was said that the purpose was to maintain the purity of the legislatures and to avoid a conflict between the duty and interest. According to Mr. Kaushal, if the Director of a Private Limited Company is actively associated with the affairs of the company and if he has been taking a

principal part as a "contract man" for the purposes of negotiation and finalisation of contracts entered into with the Government on behalf of the company, his case would fall within the mischief of section 9-A of the Act. He says that the spirit of and the policy underlying section 7(b), as it existed in the original Act, should still be taken into account while interpreting the language employed in section 9-A. I regret, I am unable to construe that section in such a manner. The words which have been employed are plain and there can be no doubt about their grammatical meaning. The suggestion that a Director of a Private company should for all practical purposes be identified with the company when he is the real motivating force and represents the company actively while entering into contracts and that this would be the only proper and just way of looking at the matter cannot possibly be accepted. It has been made very clear in *The State of Rajasthan v. Mrs. Leela Jain* (A.I.R. 1965 S.C. 1296) that unless the words are unmeaning or absurd, it would not be in accord with any sound principle of construction to refuse to give effect to its provisions or the very elusive ground that to give them their ordinary meaning leads to consequences which are not in accord with the notions of propriety or justice entertained by the Court. Now it has been provided by section 9-A that there should subsist a contract which had been entered into by a person in the course of his trade or business. In the present case the contracts were not entered into by respondent No. 1 with the appropriate Government in the course of his trade or business. They were entered into by the two Private Companies in the course of their trade or business. Respondent No. 1 is only a share-holder and an officer of the company because he is a Director but Mr. Kaushal quite properly agrees that the Company is a distinct juridical person. If that be so, how can it be said that any contract has been entered into by respondent No. 1 in the course of his trade or business which must have reference to any such trade or business which is his individual concern and not the concern of the Company.

Respondent No. 1 was cross-examined at length with regard to any part that might have been played by him in bringing about the contracts. He stated that Dry Dock tender for the work at Vishakhapatnam was tendered about a year ago but it has not been finalised and it was in the name of Continental Construction Company (Private) Ltd. The tender was submitted by the Company but he and Shri C. L. Verma were both pursuing the finalisation of those contracts. As regards the other contracts also he and Shri Verma only went when any important matter had to be finalised otherwise the resident engineers and other staff pursued the matter. With regard to Excavators (India) Private Ltd., respondent No. 1 stated that he had never negotiated or pursued any contracts which might have been entered into by that company. There were a number of contracts which M/s. Bahri and Company (Private) Ltd., had entered into with the Central Government but according to respondent No. 1, he had not been negotiating those contracts. He further stated that he only used to look after the construction work. Thus there is even no evidence to substantiate the contention of Mr. Kaushal that respondent No. 1 had taken such an active part or interest in the negotiations of the contracts which had been entered into by the two Private Companies mentioned before with the Central Government which could by any stretch of reasoning commended by him be brought within the ambit of section 9-A. I would accordingly decide issue No. 2 against the petitioner and in favour of respondent No. 1.

On issue No. 1 Mr. J. N. Kaushal has confined himself only to some of the instances of the corrupt practices alleged to have been committed by respondent No. 1 which will be dealt with below. The first one on which he has addressed arguments relates to the allegations made in sub-clause (e) of Paragraph 7(v) of the petition. It had been stated there that "Wasan Singh" son of Jiwan Singh Mazhbi Singh of village Bahadurwala was promised at his village by Bagicha Singh Rajiwala on 17th February 1967 that respondent No. 1 would pay a sum of Rs. 200/- to Wasan Singh for inducing the electors of his village to vote for respondent No. 1. The amount was promised to be paid for the purchase of utensils for the common purposes of Harijans. This had been done with the consent of respondent No. 1. The only evidence led in support of this allegation is the statement of Wasan Singh who appeared as P.W. 1. He stated that Bagicha Singh of Rajiwala met him two days prior to the date of polling. This Bagicha Singh was a representative of Bachan Singh of Village Dheru. Bagicha Singh told him that a sum of Rs. 200 would be given for making utensils etc., for the Harijans and that "we should vote in favour of the candidate whose symbol was 'scales' (takriwala)." This witness further stated that

Bagicha Singh said that "we should vote for Bachan Singh of Dheruwal." The witness proceeded to say—

"I cast only one vote. I was told that I should vote for the persons whose symbol was 'scales' and beyond that I did not realise whether the votes were to be cast for the person for whom the first ballot-paper was supplied."

In cross-examination he admitted that the symbol of Bachan Singh, who was a candidate for the Assembly constituency, was also "scales" and that he had seen Bagicha Singh going about with Bachan Singh. In answer to a Court question he said that he was never paid the amount mentioned above by any one. I am unable to hold on the evidence of Wasan Singh that any corrupt practice of the nature alleged had been committed. In section 123(1) "bribery" has been defined to mean any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing etc. There is neither any pleading in sub clause (c) nor proof that Bagicha Singh was an agent of respondent No. 1. It, therefore, became necessary that the offer alleged to have been made of the sum of Rs. 200/- for inducing the electors of village Bahadurwala to vote in favour of respondent No. 1 should be proved to have been made by Bagicha Singh with the consent of the said respondent or his election agent. The evidence of Wasan Singh does not establish, nor has any other evidence been produced to the effect, that Bagicha Singh had made the offer with the consent of respondent No. 1. Moreover, all that Wasan Singh's evidence, even if believed, establishes is that Bagicha Singh said that the witness as also the other villagers should vote for Bachan Singh of Dheruwal and nothing was said about voting for respondent No. 1. It is significant that Bagicha Singh had been summoned by the petitioner as a witness and he was present in Court but he was given up which showed that Bagicha Singh was not prepared to support the case of the petitioner.

In sub-clause (f) it was alleged that Sunder Singh son of Bhag Singh of village Arifwala, Tehsil Ferozepore, was paid Rs. 50/- on 18th February, 1967 at Arifwala by Fateh Singh and Jagga Singh agents of respondent No. 1 as reward for inducing the Harijan electors of nearby villages to vote in favour of respondent No. 1. An additional sum of Rs. 150/- was also to be paid to the Harijan for the Gurdwara of their village which sum was stated not to have been paid so far. Sunder Singh (P. W. 4) was produced by the petitioner in support of the above allegation. He stated that one Jagat Singh approached him and told him to vote for Bassi (respondent No. 1). He offered Rs. 50/- and said that he would give Rs. 150/- later if he voted in favour of Bassi. A sum of Rs. 50/- was paid for repairs to the Gurdwara. The sum of Rs. 150/- which had been promised, was never paid. He admitted that he was not a *granthi* of the Gurdwara of Harijans nor was he a member of the Managing Committee of that Gurdawara. There is actually no Gurdwara and only some walls upto a certain height had been constructed. There were about 100 to 200 voters in the village and the offer of Jagat Singh was made in the presence of other persons at the gathering of the village at the crusher of the witness. Jagat Singh had approached him with one or two other persons, one of whom was Fateh Singh. An assurance was given by him alone to Jagat Singh that the votes of the villagers would be given to Bassi. He admitted that there was a Panchayat in the village and that the Panchayat was never told about this matter, nor was the petitioner told about the payment of the aforesaid amount or the promised payment of the balance amount of Rs. 150/-. It may be mentioned that the demeanour of this witness was not impressive and during the cross-examination, as noted by me, he was mostly in a peevish mood and was very reluctant to answer questions. I would be most reluctant to rely on the evidence of this witness for finding a charge of bribery which has been alleged. Moreover, although in the petition it was stated that Fateh Singh and Jagga Singh had met Sunder Singh and made the offer but Sunder Singh in his evidence mentioned the name of Jagat Singh and not Jagga Singh. Jagga Singh was produced as P.W. 10 but he did not support the case of the petition. Fateh Singh, who had been summoned as a witness by the petitioner, was present but he was not examined. Moreover, there is no material on the record to show that Jagat Singh an agent of respondent No. 1. I am therefore not at all satisfied that the allegations contained in sub-clause (f) have been established.

In Sub-clause (j) it had been stated that on 17th February 1967 Surain Singh son of Budh Singh, resident of Rajiwala was paid Rs. 20/- at Rajiwala by Bagicha

Singh, the polling agent of respondent No. 1, for inducing electors of his village to vote for respondent No. 1. An additional sum of Rs. 30/- was also promised to be paid to Surain Singh. This was all done with the consent of respondent No. 1 P.W. 3 Surain Singh was produced in support of this allegation. According to him, Bagicha Singh met him a couple of days before the date of polling and paid him Rs. 20/- saying that he would pay him another sum of Rs. 30/- after the polling had taken place. This payment was to be in consideration of Surain Singh voting in favour of respondent No. 1. He further stated that Bagicha Singh was an agent of the party whose symbol was "scales" and that he was saying that votes should be given in favour of candidates with that symbol. In cross-examination he stated that Bagicha Singh belonged to his village Rajiwala and he met when no one was present. He further stated that Bagicha Singh had gone to all the voters in the village and had offered them bribe for casting votes. The following portion of his statement in cross-examination may be reproduced:

"It is because Bagicha Singh asked me to vote in favour of the candidates, whose symbol was scales that I thought he was helping the candidates who were contesting with that symbol. I had no other information or knowledge of his association with the contestants * * *

* * * * *

Nobody approached me on behalf of the petitioner to give evidence nor did I ever tell Shri Jagan Nath that any bribe had been offered to me"

The criticism of this witness as pressed by Mr. Hira Lal Sibal for respondent No. 1 is on similar lines as in respect of Wasan Singh (P.W. 1). Although it was alleged in sub-clause (j) that Bagicha Singh was a polling agent of respondent No. 1, no evidence was led on that point nor has any other proof been adduced. The mere fact that Bagicha Singh canvassed for support in favour of candidates, whose symbol was 'scales' was not sufficient to establish that he was acting with the consent of respondent No. 1. The other interesting feature of the evidence of this witness is that according to him he never informed Shri Jagan Nath or anyone else that any such offer of bribe had been made to him. This aspect becomes material because unless he had given some information to the petitioner or to any one else who could have conveyed the same to him, how could the petitioner know that such an offer had been made to him and cite him as a witness. According to the statement of the petitioner (P.W. 12), his clerk Durga Dass had collected all the information relating to the various corrupt practices alleged to have been committed by respondent No. 1 Durga Dass was however, never produced as a witness. It is difficult, therefore, to find on the evidence of P.W. 3 Surain Singh or that of the petitioner that the allegations contained in sub-clause (j) have been proved.

In Sub-clause (k) of paragraph 7(v), it has been alleged that on 17th February 1967 Fauja Singh son of Lakha Singh of village Bahadurwala was paid Rs. 50/- at Bahadurwala by Bagicha Singh, the polling agent of respondent No. 1, with a further promise to pay Rs. 50/- more for inducing the electors of his village to vote in favour of respondent No. 1. Fauja Singh (P.W. 2) was produced to establish the charge laid in this sub-clause. He stated that two days prior to the date of the elections Bagicha Singh, who was a representative of respondent No. 1, came to him and paid a sum of Rs. 50/- and further promised to give him Rs. 50/- more which, however, were never paid. This was done under an arrangement by which the votes were to be cast in favour of respondent No. 1. He admitted in cross-examination that except for the fact that Bagicha Singh said that he was representing Sohan Singh Bassi he had no knowledge that Bagicha Singh had come to him on behalf of respondent No. 1. According to this witness, Bagicha Singh told him that votes should be cast for Shri Gurbachan Singh (Bachan Singh) who was a candidate for the Assembly Constituency also Bagicha Singh, came a couple of times previously in connection with support for Girdhara Singh, the Congress candidate, because he wanted to cast votes only for those persons who gave money. He, however, did not demand any money from any other candidate nor did any other candidate offer any. The evidence of Fauja Singh, even if accepted, cannot possibly establish that Bagicha Singh had made the payment of the amount questioned to him and agreed to pay another sum of Rs. 50/- with the consent of respondent No. 1. Even in the petition in sub-clause (k) no such consent is alleged. As has been mentioned earlier, Bagicha Singh was described as a polling agent in the sub-clause. There is absolutely no proof nor any material which may show that Bagicha Singh

was a polling agent of respondent No. 1. As has been previously observed, Bagicha Singh was summoned as a witness and although he was present in Court, he was given up and not examined. It is not possible to find on the statement of Fauja Singh that a corrupt practice of the nature alleged was committed by respondent No. 1.

It may be mentioned that with regard to all the instances of corrupt practices which have been discussed above, Bagicha Singh was not been proved by any cogent evidence or material to have been acted as an agent in connection with the election with the consent of the candidate within the meaning of Explanation appearing in the end of section 123 of the Act, nor was any such contention advanced.

No other point was pressed on behalf of the petitioner. As both the issues have been found against the petitioner and in favour of respondent No. 1, the petition is dismissed with costs, which are assessed at Rs. 1399/65 (inclusive of Counsel's fees fixed at Rs. 1000/-) payable to respondent No. (1) only.

3rd August, 1967.

(Sd.) A. N. GROVER,
Judge.

[No. 82/PB/35/67.]

New Delhi, the 25th September 1967

S.O. 3509.—In exercise of the powers conferred by sub-section (1) of section 13-A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Punjab hereby nominates Shri H. B. Lal, as the Chief Electoral Officer for the State of Punjab for the period from 30th March, 1967 to 1st September, 1967 vice Shri A. N. Kashyap, I.A.S.

[No. 154/11/67.]

S.O. 3510.—In exercise of the powers conferred by sub-section (1) of section 13-A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission in consultation with the Government of Punjab hereby nominates Shri A. N. Kashyap, as the Chief Electoral Officer for the State of Punjab with effect from 1st September, 1967 and until further orders vice Shri H. B. Lal.

[No. 154/11/67.]

ORDERS

New Delhi, the 8th September 1967

S.O. 3511.—Whereas the Election Commission is satisfied that Shri Ram Nirkshan Sinha of Village and P.O. Samarthia via Dalsing Sarai, District Daltanganj, a contesting candidate for election to the House of the People from Begusarat Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Ram Nirkshan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/32/67/(16).]

New Delhi, the 18th September 1967

S.O. 3512.—Whereas the Election Commission is satisfied that Shri Krishna Deo Singh of village Mehda, P.O. Kara, District Gaya (Bihar), a contesting candidate for election to the House of the People from Aurangabad Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Krishna Deo Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/40/67(10).]

S.O. 3513.—Whereas the Election Commission is satisfied that Shri Khairat Ahmad Kirdar of village Jhikatia Saliya, P.O. Kothi Bikopur, District Gaya, a contesting candidate for election to the House of the People from Aurangabad Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Khairat Ahmad Kirdar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/40/67(11).]

S.O. 3514.—Whereas the Election Commission is satisfied that Shri Ram Deni Singh of village Dhawai, P.O. Madanpur, District Gaya (Bihar), a contesting candidate for election to the House of the People from Aurangabad Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Ram Deni Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/40/67(12).]

New Delhi, the 20th September 1967

S.O. 3515.—Whereas the Election Commission is satisfied that Shri Rameshwar Dayal of Village Jota, P.O. Sewatar, District Gaya (Bihar), a contesting candidate for election to the House of the People from Nawada Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Rameshwar Dayal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/42/67(13).]

S.O. 3516.—Whereas the Election Commission is satisfied that Shri Khedu Prasad Poddar a contesting candidate for election to the House of the People from Mahasamund Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Khedu Prasad Poddar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/14/67.]

New Delhi, the 21st September 1967

S.O. 3517.—Whereas Shri Goutamanand a contesting candidate for election to the House of the People from the Durg Constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And, whereas the Election Commission is satisfied that the account since lodged by him has also not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Goutamanand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/18/67.]

S.O. 3518.—Whereas Shri Onkar Singh a contesting candidate for election to the House of the People from the Shahdol Constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And, whereas, the Election Commission is satisfied that the account since lodged by him has also not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Onkar Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislature Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/8/67(1).]

S.O. 3519.—Whereas Shri Sampat Singh a contesting candidate for election to the House of the People from the Shahdol Constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And, whereas the Election Commission is satisfied that the account since lodged by him has also not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sampat Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No MP-HP/8/67(2).]

S.O. 3520.—Whereas Shri Banshrup Singh a contesting candidate for election to the House of the People from the Surguja Constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And whereas, the Election Commission is satisfied that the account since lodged by him has also not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Banshrup Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/10/67(1).]

S.O. 3521.—Whereas the Election Commission is satisfied that Shri Chakradhari Singh a contesting candidate for election to the House of the People from Surguja Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Chakradhari Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/10/67(2)]

New Delhi, the 22nd September 1967

S.O. 3522.—Whereas the Election Commission is satisfied that Shri Mani Raj Singh a contesting candidate for election to the House of the People from Rewa Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas the said candidate, even after, due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Mani Raj Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/7/67(1).]

S.O. 3523.—Whereas the Election Commission is satisfied that Shri Ram Jiyawan a contesting candidate for election to the House of the People from Rewa Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951 and the Rules made thereunder.

And, whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Ram Jiyawan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/7/67(2)]

New Delhi, the 23rd September 1967

S.O. 3524.—Whereas the Election Commission is satisfied that Shri Wani Wilas Shastri a contesting candidate for election to the House of the People, from Rajnandgaon Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Wani Wilas Shastri to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for period of three years from the date of this order.

[No. MP-HP/19/67.]

S.O. 3525.—Whereas the Election Commission is satisfied that Shri Dukhram a contesting candidate for election to the House of the People from Raigarh Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dukhram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No MP-HP/11/67(1).]

S.O. 3526.—Whereas Shri Nakul Singh a contesting candidate for election to the House of the People from the Raigarh Constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And whereas the Election Commission is satisfied that the account since lodged by him has also not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Nakul Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/11/67(2).]

New Delhi, the 25th September 1967

S.O. 3527.—Whereas the Election Commission is satisfied that Shri Mugdasani Venkata Narsimha Reddy of Magilipak Village, a contesting candidate for election to the House of the People from 40-Nalgonda Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Mugdasani Venkata Narsimha Reddy to be disqualified for being chosen, as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/40/67.]

S.O. 3528.—Whereas the Election Commission is satisfied that Shri Ramprasad Pathak a contesting candidate for election to the House of the People from Balaghat Constituency has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Ramprasad Pathak to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/20/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th September 1967

S.O. 3529.—In exercise of the powers conferred by the proviso of article 309 of the Constitution, the President makes the following rules to amend the "Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1967," namely.

2. These rules may be called "Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1967".

3. Rule 1(2) of the Tripura Employees (Revision of Pay and Allowances) Amendment Rules, 1967, shall be substituted as under

"These shall be deemed to have come into effect from the 1st April, 1961".

[No. F. 2/35/63-(MT)HMT.]

V. P. MALHOTRA, Dy. Secy.

New Delhi, the 26th September 1967

S.O. 3530.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Fourth Amendment Rules, 1967.

2. In the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1967, which is deemed to be the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1965, by virtue of rule 33 thereof, in Part II, "Central Civil Services, Class II," against the entry in column 1 relating to "Posts in Union Territories", the following shall respectively be inserted in columns 3 and 4, namely:—

3

4

"In the Union territory of
Himachal Pradesh—

Head of the Department.

(i) to (iv)"

[No. 7/9/67-ESTS.(A).]

P. S. VENKATESWARAN, Under Secy.

New Delhi, the 27th September 1967

S.O. 3531.—Whereas the Central Government is satisfied that it is necessary to issue the following notification in the public interest.

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (74 of 1956), the Central Government hereby directs that no tax under this Act shall, with effect from the 1st of October 1966, be payable by any dealer having his place of business in the Union territory of Delhi, or the Union territory of Himachal Pradesh, or the Union territory of Manipur, in respect of the sale by him from any such place of business of any goods to the Bihar Relief Committee, or to the Manav Rahat Mandal, Patna, in the course of inter-State trade or commerce subject to the condition that the Bihar Relief Committee or the Manav Rahat Mandal, Patna, furnishes a certificate in the Form appended hereto that the said goods have been purchased by it for use in connection with the draught relief programmes in the State of Bihar.

Form of Certificate

Certified that the goods specified in the voucher(s) Bill No. /cash memo(s) mentioned below were purchased by the Bihar Relief Committee/Manav Rahat Mandal for use in connection with the draught relief programmes in the State of Bihar.

Sl. No.	Registraton No. of the dealer	Voucher/ Bill No./ Cash Memo.	Date	Amount
---------	-------------------------------------	-------------------------------------	------	--------

Date _____

Signature _____

Designation _____

[No. F. 16/21/67-UTL.]

P. N. VASUDEVAN, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY

New Delhi, the 19th September 1967

S.O. 3532.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of the notification No. 6/F.No.1/9/67-E.D. dated the 28th April, 1967 published as S.O. 1660 in Part II, Section 3(ii) of the Gazette of India dated the 13th May, 1967, the Central Board of Direct Taxes hereby directs that Shri N. K. Ganguly, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue & Insurance) No. 18/F.No.1/9/67-E.D. dated the 19th September, 1967, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders,—

- in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

Commissioner of Income-tax, West Bengal-I,

Commissioner of Income-tax, West Bengal-II,

Commissioner of Income-tax, West Bengal-III,

Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur,

and

Commissioner of Income-tax, Bihar & Orissa;

- in respect of any of the estates of the deceased persons who were being assed to income-tax in the jurisdiction of the Commissioner of Income-Tax (Central), Calcutta.

2. This notification shall be deemed to have come into force on the forenoon of the 26th day of June, 1967.

[No. 10/1/9/67-E.D.]

S.O. 3533.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 19/F. No. 1/9/67-E.D., dated the 19th September, 1967, the Central Board of Direct Taxes hereby directs that Shri T. K. Sourirajan, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue & Insurance) No. 20/F. No. 1/9/67-E.D., dated the 19th September, 1967, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed orders—

(i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

- Commissioner of Income-tax, West Bengal-I,
- Commissioner of Income-tax, West Bengal-II,
- Commissioner of Income-tax, West Bengal-III,
- Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur, and
- Commissioner of Income-tax, Bihar and Orissa;

(ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.

2. This notification shall be deemed to have come into force on the afternoon of the 16th day of August, 1967.

[No. 21/F. No. 1/9/67-E.D.]

G. R. HEGDE, Secy.

INCOME-TAX

New Delhi, the 22nd September 1967

S.O. 3534.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf, the Central Board of Direct Taxes, hereby makes the following further amendments in the Schedule appended to its Notification No. 52, dated 7th July, 1967.

I. Against "A"-Range, Nagpur under Column (2) the following shall be added:—

(22) City Circle, Nagpur.

II. Against "B"-Range, Jabalpur under Column (2) the following shall be added:—

(12) H-Ward, Jabalpur.

This notification shall take effect from 25th September, 1967.

Explanatory Note

The amendments have become necessary on account of the creation of New Circle/Ward in the Commissioner's charge.

(The above note does not form a part of the Notification, but is intended to be merely clarificatory).

[No. 105 (F. No. 50/20/67-ITJ)]

New Delhi, the 27th September 1967

S.O. 3535.—In exercise of the powers conferred by sub-section (1) of section 122 of the Incometax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Incometax of the Ranges specified in column (1) of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to incometax or Super-tax in the Incometax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Incometax Circles, Wards and Districts. 2
A-Range, Hyderabad	<ol style="list-style-type: none"> 1. Ward I-A of Hyderabad Circle. 2. Ward I-B of Hyderabad Circle. 3. Ward I-C of Hyderabad Circle. 4. Ward I-D of Hyderabad Circle. 5. Ward I-E of Hyderabad Circle. 6. Circle I, Hyderabad. 7. A-Ward, Hyderabad. 8. I.T.-cum-W.T. Circle I, Hyderabad. 9. Nandyal. 10. Warangal.
B-Range, Hyderabad.	<ol style="list-style-type: none"> 1. Ward II-A of Hyderabad Circle. 2. Ward II-B of Hyderabad Circle. 3. Ward II-BB of Hyderabad Circle. 4. Ward II-C of Hyderabad Circle. 5. Ward II-D of Hyderabad Circle. 6. Ward II-DD of Hyderabad Circle. 7. Ward II-E of Hyderabad Circle. 8. Ward II-EE of Hyderabad Circle. 9. Circle II, Hyderabad. 10. B-Ward, Hyderabad. 11. I.T.-cum-W.T. Circle, II Hyderabad. 12. Survey Circle, Hyderabad. 13. Spl. Survey Circle I, Hyderabad. 14. Spl. Survey Circle II, Hyderabad. 15. Survey Circle I, Hyderabad. 16. Survey Circle II, Hyderabad. 17. Spl. Survey Circle (Old) Hyderabad. 18. Salary Circle, Hyderabad. 19. Sangareddy. 20. Kothagudem.
C-Range, Hyderabad.	<ol style="list-style-type: none"> 1. Ward III-A of Secunderabad Circle. 2. Ward III-B of Secunderabad Circle. 3. Ward III-C of Secunderabad Circle. 4. Ward III-D of Secunderabad Circle. 5. Ward III-E of Secunderabad Circle. 6. Circle III, Hyderabad. 7. C-Ward, Hyderabad. 8. I.T.-cum-W.T. Circle III, Hyderabad. 9. Kurnool. 10. Mahaboobnagar.
D-Range, Hyderabad.	<ol style="list-style-type: none"> 1. Company Ward of Secunderabad Circle. 2. Company Circle, Hyderabad. 3. Company Circle (Old), Hyderabad. 4. Recovery Circle, Hyderabad. 5. Nizamabad. 6. Nirmal. 7. Project Circle, Hyderabad. 8. M.P.P. Circle, Hyderabad. 9. Central Circle, Hyderabad. 10. Karimnagar. 11. Khammam.

Visakhapatnam Range, Visakhapatnam.	1. Visakhapatnam. 2. Vizianagaram. 3. Srikakulam. 4. Bobbili. 5. Anakapalle.
Kakinada Range, Kakinada.	1. Kakinada (Old). 2. Ramachandrapuram. 3. Kakinada-I. 4. Kakinada-II. 5. Masulipatam. 6. Gudivada.
Rajahmundry Range, Rajahmundry.	1. Rajahmundry. 2. Eluru. 3. Tanuku. 4. Amalapuram. 5. Palacole.
Vijayawada Range, Vijayawada.	1. Vijayawada.
Guntur Range, Guntur.	1. Guntur. 2. Nellore. 3. Mica Circle, Nellore. 4. Bapatla. 5. Tenali. 6. Chittoor. 7. Thirupathi.
Anantapur Range, Anantapur.	1. Anantapur. 2. Hindupur. 3. Adoni. 4. Cuddapah. 5. Proddatur.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Incometax of the Range from whom that Incometax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 30th September, 1967.

Explanatory Note

The amendments have become necessary on account of the abolition of two Appellate Assistant Commissioners' Ranges at Warangal and Chittoor and the shifting of the A.A.C.'s office from Nellore to Guntur and the consequent revision of the jurisdictions of the other A.A.C.s in the Commissioner's charge.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 111 (No. F. 50/143/67-1TJ).]

P. G. GANDHI, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

ORDER

New Delhi, the 25th September 1967

S.O. 3536.—Whereas the Government of India in the late Ministry of Health has, by notification No. 32-70/64-MPT, dated 23rd January, 1965, made in exercise

of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D." granted by the University of Creighton, USA for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 3rd February, 1967, or so long as Dr. Charles Walton Emerick who possesses the said qualification, continues to work in the Miraj Medical Centre, P.O. Miraj, Sangli District, Maharashtra to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Charles Walton Emerick shall be limited.

[No. F. 19-35/67-MPT.]

L. K. MURTHY, Under Secy.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 20th September 1967

S.O. 3537.—Whereas M/s. New Pals Radios Production-cum-sale Co-op. Industrial Society Ltd. Ward No. 2, 186, Kaisthan Area, Panipat or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. 338/63/ENF/CLA/3376, dated 17th March, 1967 proposing to cancel licences No. (1) P/SS/1579757/C/XX/19/CD/19-20, dated 9th April, 1965 for Rs. 4950 for the import of Acrylic Plastic Sheets (2)-P/SS/1505434/C/XX/21/CD/21-22, dated 8th July, 1967 valued at Rs. 6,085 for the import of Permissible components, Radio parts and Acrylic Plastic Sheets (3)-P/SS/1507138/C/XX/21/CD/23-24, dated 11th August, 1966 valued at Rs. 39,050 for the import of Domestic and cheap Radio Parts, Acrylic Plastic sheets granted to M/s. New Pals Radios Production-cum-sale Co-operative Industrial Society, Ward No. 2, 186, Kaisthan Area, Panipat by the Joint Chief Controller of Imports and Exports, (Central Licensing Area), New Delhi, Government of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955, hereby cancel the aforesaid licences issued to M/s. New Pals Radios Production-cum-sale Co-operative Industrial Society, Ward No. 2, 186, Kaisthan Area, Panipat.

1. M/s. New Pals Radios Production-cum-sale Co-op.
Industrial Society, Ward No. 2,
186, Kaisthan Area,
Panipat.

[No. 338/63/ENF/CLA/3047.]

2. Village Kundli, G.T. Road,
P.O. Singhu, Distt. Rohatak.

RAM MURTI SHARMA,
Jt. Chief Controller of Imports and Exports

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT & COOPERATION

(Department of Cooperation)

New Delhi, the 25th September 1967

S.O. 3538.—In exercise of the powers conferred by Section 5 B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Cooperation) Notification No. 7-13/66-Credit dated the 7th October, 1966 the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the former Ministry of Community Development and Cooperation (Department of Cooperation) No. S.O. 1953, dated the 28th June, 1961 published at page 1555 of the Part II Section 3(ii) of the Gazette of India of the 8th July, 1961, namely:—

In the said notification for the existing entry against Serial No. 6, the entry "Shri K. Madhavan Nair," shall be substituted.

[No. F. 7-13/66-Credit.]

V. V. NATHEN, Dy. Secy.

MINISTRY OF TRANSPORT & SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 25th September 1967

S.O. 3539.—In exercise of the powers conferred by sub-section (2) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby directs that the power exercisable by it under or in relation to sub-section (1) of section 299A of the said Act shall be exercisable also by the Director General of Shipping.

[No. 46-MA(7)/67.]

K. V. SANKARAN, Dy. Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 27th September 1967

S.O. 3540.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st November 1967 as the date on which the Measured Rate System will be introduced in Motihari Telephone Exchange.

[No. 5-48/67-PHB.]

D. R. BAHL,

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 27 सितम्बर 1967

एस० ओ० 3541.—स्पाई आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने मोतीहारी टेलीफोन केन्द्र में 1-11-1967 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-48/67-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 22nd September 1967

S.O. 3542.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the East Jamuria Colliery, Post Office Toposi, District Burdwan and their workmen, which was received by the Central Government on the 20th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

Reference No. 17 of 1967

PARTIES:

Employers in relation to the East Jamuria Colliery.

AND

Their Workmen.

PRESENT:

Shri S. K. Sen Presiding Officer.

STATE: West Bengal.

INDUSTRY: Coal Mine.

(AWARD)

By Order No. 6/4/67-LRII dated 15th February 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the East Jamuria Colliery, P.O. Toposi, Dt. Burdwan and their workmen arising from the refusal of employment to Shri Basu Mahato, Surface Trammer, with effect from the 7th November, 1966.

2. Both the parties filed written statements. According to the union, the workman concerned had joined other workmen in complaining to the R.L.C., Central Implementation Dhanbad about short payments by the management and the management being displeased with the workman stopped him from work with effect from 7th November 1966 without serving any chargesheet or any order of suspension or transfer on him. According to the written statement of the management, Baus Mahato was a temporary surface trammer and he voluntarily absented himself from 14th October 1966. He was asked to explain his unauthorised absence by a registered letter issued by the management but he never sent a reply and at that stage the union took up the case and complained before the Conciliation Officer.

3. On the date of hearing neither party has appeared. The first date of hearing was 24th July 1967. On that date Shri B. Mishra, Executive Officer, appeared on behalf of the management and asked for adjournment on the ground of illness of the Personnel Officer, Shri S. N. Misra. The union however did not appear on that day. The hearing was adjourned to 15th September 1967 and a notice of the adjourned date of hearing was given to the union by registered post and appears to have been received by the General Secretary of the union. Still on the adjourned date of hearing, 15th September 1967, the union was absent and the management also failed to turn up. It must therefore be presumed that there is no dispute now pending.

4. My award therefore is that there is now no dispute pending.

(Sd.) S. K. SEN,
Presiding Officer.

Dated, 15th September, 1967.

[No. 6/4/67-LRII.]

S.O. 3543.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, Distt. Dhanbad and their workmen, which was received by the Central Government on the 18th September, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR.**

Camp at Dhanbad.

Dated 7th September, 1967.

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

REFERENCE NO. 125 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE NO. CGIT/LC(R)(60)/67 (JABALPUR TRIBUNAL)

In the matter an industrial dispute in relation to the East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad and their workmen.

APPEARANCES:

For the employers: Shri S. C. Patra, Manager, East Bastacolla Colliery.

For the workmen: Shri Prasanta Burman, Secretary Khan Mazdoor Congress.

INDUSTRY: Coal Mines.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/116/64-LRII dated the 10th November 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute, as stated under the Schedule to the order of reference, to the Central Government Industrial, Dhanbad, for adjudication from where the proceedings were transferred to this Tribunal *vide* Govt. Notification No. 8/25/67-LRII dated 25th April 1967:

SCHEDULE

- (1) Whether the stoppage from work of Shri Jagannath Chamar, Miner of East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia (District Dhanbad), from the 11th May, 1964 was caused by the management of the said Colliery?
- (2) If so, to what relief is the workman entitled?

The proceedings remained pending before the Dhanbad Tribunal from 16th November 1964, till transferred to this Tribunal.

Written statement of the workmen was filed before the Dhanbad Tribunal. Employers filed their written statement on 13th July, 1967. Neither party, however, filed any rejoinder and therefore this date was fixed for hearing. Representatives of the parties appeared and filed a compromise petition, terms of which are reproduced in the annexure. The dispute relates to non-employment of one workman, Shri Jagannath Chamar. The management has agreed to re-employ him and has further agreed to make an ex-gratia payment of Rs. 200/- within 30 days of his re-employment. The Union has accepted the terms which are reasonable and fair. Compromise is, therefore, accepted as a satisfactory solution of the dispute and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer.

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL)
JABALPUR.

REFERENCE No. CGIT/LC(R)(60)/67.

BETWEEN

Employer in relation to East Bastacolla Colliery of M/s. East Bastacolla Colliery Co., P.O. Jharia District Dhanbad.

AND

Their Workmen, represented by Khan Mazdoor Congress.

Petition for Compromise Settlement

The humble petitioners named below beg to state as follows:—

(1) That the employer in the above dispute is represented by Shri S. C. Patra, Manager, East Bastacolla Colliery and the workmen are represented by Shri Prasanta Burman, Secretary, Khan Mazdoor Congress.

(2) That the petitioners have reached a compromise settlement of the dispute abovenamed on the following terms:—

Terms of Settlement

(3) The management agrees to re-employ Shri Jagannath Chamar as a permanent miner in East Bastacolla Colliery, if he reports for employment within 30 days from the date of receipt of the notice of employment to be served by the management as soon as the Award becomes enforceable. Any delay in reporting after the above date, if caused by sufficient reason, shall be excluded.

(4) The management agrees to pay Rs. 200/- (Rupees Two Hundred) only ex-gratia, within 30 days of his employment to Shri Jagannath Chamar, over and above any outstanding legal dues that he may be entitled to.

(5) The Union agrees to accept the terms referred to in paras 3 and 4 above in full satisfaction of the claims of the workmen with respect to Jagannath Chamar's reinstatement with back wages and to make no further demand on this account.

(6) The petitioners pray that the Hon'ble Tribunal may be pleased to approve the above compromise settlement and to make an award in terms thereof.

And for this the humble petitioners shall ever pray.

For the Employer.

Sd./- S. C. PATRA,

Manager, East Bastacolla Colliery.

For the Workmen.

Sd./- PRASANTA BURMAN,

Secretary

Khan Mazdoor Congress.

Dated, Dhanbad the 7th September, 1967.

(Sd.) G. C. AGARWALA,
Presiding Officer.

Part of Award .

Industrial Tribunal-cum-Labour Court.
(Central)

Jabalpur.

[No. 2/116/64-LRII.]

S.O. 3544.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Karanpura Colliery, Post Office Patrattu, District Hazaribagh and their workmen, which was received by the Central Government on the 20th September, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 31 of 1967

PARTIES:

Employers in relation to the Khas Karanpura Colliery, Post Office Patrattu,
Dist. Hazaribagh.

AND

Their Workmen

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employers: Shri S. S. Mukherjee, Advocate.

For the Workmen: Shri S. K. Mukherjee, Advocate.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, the 13th September, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Khas Karanpura Colliery, Post Office Patrattu, District Hazaribagh and their workmen, by its order No. 2/28/65-LRII dated 7th April 1965, referred to the Central Government Industrial Tribunal,

Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of Khas Karanpura Colliery, in dismissing Shri Mundrika Singh, Register Keeper, with effect from the 14th July, 1964 by their letter dated the 7th August, 1964 was legal and justified? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 58 of 1965 on its file. The workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently the reference is re-numbered on the file of this Tribunal as reference No. 31 of 1967. The employers also filed their statement of demands.

3. The workman, Mundrika Singh (herein after referred to as the affected workman) was a register keeper in the colliery of the employers. On 10th July 1964 he was on duty in the 3rd shift marking attendance in the prescribed register of the miners going in and coming out of the mine. In respect of many miners who did not go into the mine he did not make any mark in the register and kept the columns "in" and "out" blank. Considering this a serious misconduct the employers issued to him a chargesheet dated the 14th July 1964, charging him for violation of the standing order No. 18(f) and (g) for neglect of work and for breach of Mines Regulations and suspending him pending departmental enquiry from the very date. The affected workman filed his explanation to the chargesheet saying that it was the practice in the colliery for the employers to make some workmen work in another mine or in some other place as required by the management and as the attendance clerk do not get information about the engagement of the workmen else where, they keep the columns "in" and "out" blank and make the necessary entries at the time of preparation of weekly abstract of attendance after knowing the fact whether the workmen were employed in another mine or other working places or actually did not report to their duties. It is stated that this practice was prevalent since a long time when other persons were Managers. The Management considered the explanation as not satisfactory and proceeded with the departmental enquiry. The enquiry was adjourned at the request of the affected workman and then proceeded with on 4th August 1964. During the enquiry three witnesses are examined for the prosecution and two for the affected workman, inclusive of himself. The affected workman participated in the enquiry, cross examined at length the prosecution witnesses and adduced defence evidence. The enquiry was conducted by one of the partners of the employers. In his enquiry report the enquiry officer found the affected workman guilty of the charge and directed his dismissal with retrospective effect from the date of the chargesheet. Again a notice was issued to the affected workman to show cause as to why he should not be dismissed with retrospective effect from the date of the chargesheet for violation of the provisions of the standing orders 18(f) and (g). The affected workman submitted his explanation, but finding it unsatisfactory the Manager issued the final letter dated 7th August 1964 dismissing the affected workman with retrospective effect from the date of the chargesheet and directed him to collect his dues upto 13th July 1964 within three days. These facts are not in dispute.

4. The affected workman does not deny that he had left the columns "in" and "out" blank in the concerned register. His only explanation is that he did so in pursuance of the long standing practice. He further alleged that the employers took the action against him only to victimise him for his trade union activities. He also pleaded that he is a protracted workman. The employers stand is that there was no such practice in violation of the statutory provisions, that the admitted neglect of duty by the affected workman was a serious misconduct within the meaning of the standing orders and the Mines Act, 1952, Regulations and Rules framed thereunder. They denied that there was any motive on their part or reason to victimise the affected workman. The workman was represented by Shri S. K. Mukherjee, Advocate and the employers by Shri S. S. Mukherjee Advocate. By consent of the employers, Exts. W1 to W5 were marked for the workmen and by consent of the workman Exts. E1 to E10 were marked

for the employers. No witness was examined by any of the parties. The only point for consideration is how far the practice pleaded by the affected workman justified is not maintaining the attendance register in accordance with the statutory instructions.

5. Section 48 of the Mines Act, 1952 provides for maintenance of Registers of persons employed in a mine. Sub-Sec. (4) thereof lays down that for every mine other than an exempted one, there shall be kept in the prescribed form and place separate registers showing in respect of each person employed in the mine, below ground and above ground showing the name of the employee, class or kind of his employment, the shift to which he belongs and the hours of the shift. Sub-Sec.(5) of the section further lays down that the registers of persons employed below ground referred to above shall show at any moment the name of every person who is then present below ground in the mine. Sec. 58 of the Mines Act empowers the Central Government to make Rules for the purposes mentioned thereunder. Chapter X of the Rules deals with maintenance of registers and notices. Rule 78 of the Chapter prescribes the form of Register required to be maintained under sub-section (4) of section 48 of the Mines Act, 1952. It is to be in form 'C' provided under the Rules. Section 57 of the Mines Act enables the Central Government to make Regulations for the purposes mentioned therein. Regulation 57 deals with the duties of register keepers and the attendance clerks. According to it the register keepers or attendance clerks are to make entries in the register with the reasonable despatch. Under clause (4) of the Regulation it is his duty, if after the commencement of a shift any official or a competent person has not got his attendance recorded in the register maintained under section 48(4) of the Mines Act to report the fact in writing to the Manager, or the under Manager or Asst. Manager or other official in-charge of the shift within two hours after the commencement of the shift. Under the Mines Act penalties are prescribed for contravention of the provisions of the Act, Regulations, Rules or Bye-laws made thereunder. Section 73 of the Mines Act provides penalty for contraventions for which penalty is not provided under the Act. It prescribes imprisonment for a term which may extend to three months or with fine. Thus, non-maintenance of the attendance register in accordance with the instructions contained in the Mines Act, Regulations or Rules made thereunder is a serious contravention exposing the register keepers or the attendance clerks to a serious penalty. The affected workman admits that he had not marked "in" and "out" columns of the prescribed registers in respect of several of the workmen on 10th July 1964. This omission on his part was capable of giving rise to several mal-practices. There have been cases in which non-maintenance of the Attendance Register in conformity with the Mines Act, Regulations or Rules, made it impossible to know how many people met death when the mine collapsed or exploded. Under such circumstances no amount of practice contrary to the law could come to the rescue of the affected workman. No doubt, during the domestic enquiry the affected workman sought and succeeded to an extent that his act of omission was in accordance with the long standing practice and that several other register keepers or attendance clerks also committed similar omissions. But this practice is of no avail to him when his act of omission is against the statutory provisions making him liable to serious punishment.

6. The charge, Ext. E1 was under standing order No- 13(f) and (q) and the affected workman guilty of the charge. Clause (f) of the standing order deals with habitual neglect of work and clause (q) with any breach of the Mines Act, Regulations, Bye-laws thereunder, any other Act, Rules or any standing orders. The contention is that there was absolutely no evidence to warrant guilt of the affected workman under clause (f). But, he could be punished for having been found guilty under clause (q). It is also argued that the dismissal with the retrospective effect from the date of the chargesheet was not correct. As pointed out by the Supreme Court in *Jeevaratnam Vs. State of Madras* [1967(1) L.L.J. P. 391], such an order of dismissal is, in substance, an order of dismissal as from the date of the order. It is also urged that suspension pending domestic enquiry for more than 10 days is also not in conformity with the standing orders. I agree with this contention. In this respect also the affected workman can claim his dues in proper forum. But that does not make his dismissal illegal. As regards victimisation of the affected workman in view of his trade union activities, there is absolutely no evidence.

7. For the above reasons I hold that the action of the management of Khas Karanpura Colliery, in dismissing the workman Shri Mundrika Singh, Register Keeper, with effect from the 14th July, 1964 by their letter dated 7th August

1964 was legal and justified, and, consequently, the affected workman is not entitled to any relief. The award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 31 OF 1967

PARTIES :

Employers in relation to the Khas Karanpura Colliery, Post Office : Patratu,
District Hazaribagh.

AND

Their Workmen

List of documents admitted in evidence for the Employers

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted or proved	Proved by
Ext. E 1	Copy of the charge sheet No. 2 dated 14-7-64 to Shri Mundrika Singh.	10-7-67	Admitted	..
Ext. E 2	Reply of chargesheet dated 16-7-64 by Mundrika Singh	Do.	Do.	..
Ext. E 3	Letter dated 21-7-64 of Shri Mundrika Singh to Managing Director for time (in Hindi).	Do.	Do.	..
Ext. E 4	Letter dated 23-7-64 from Shri Mundrika Singh to Shri G. L. Sharma for time (in Hindi)	Do.	Do.	..
Ext. E 5	Letter dated 1-8-64 of Shri Mundrika Singh to Shri G. L. Sharma reg. date of enquiry	Do.	Do.	..
Ext. E 6	Report of the domestic enquiry dated 14-7-64	Do.	Do.	..
Ext. E 7	Domestic enquiry dated 4-8-64 (in Hindi).	Do.	Do.	..
Ext. E 8	Copy of the show-cause notice dated 5-8-64 to Shri Mundrika Singh	Do.	Do.	..
Ext. E 9	Copy of the reply of show-cause notice by Shri Mundrika Singh dated 6-8-64.	Do.	Do.	..
Ext. E 10	Copy of the dismissal letter dated 7-8-64 to Shri Mundrika Singh	Do.	Do.	..

List of documents admitted in evidence for the workmen

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted or proved	Proved by
Ext. W 1	Employers' letter dated 7-8-64 dismissing the workman	10-7-64	Admitted	..
Ext. W 2	Copy of reply of chargesheet dated 16-7-64.	Do.	Do.	..
Ext. W 3.	Copy of reply of chargesheet of Manasa Charan Mukherjee, dated 16-7-64	Do.	Do.	..
Ext. W 4	Reply of show-cause dated 6-8-64	Do.	Do.	..
Ext. W 5	Letter to Angustus Kujur dated 8-8-64	Do.	Do.	..

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial
Tribunal at Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE No. 31 OF 1967

PARTIES :

Employers in relation to the Khas Karanpura Colliery, Post Office : 'Patratu'
District : Hazaribagh.

AND

Their Workmen .

List of witness examined on behalf of the employers.

No. of witness	Name of the witness	Date of examination
Nil	Nil	Nil

List of witness examined on behalf of the workmen

No. of witness	Name of the witness	Date of examination
Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial
Tribunal at Dhanbad.

[No. 2/28/65-LRII.]

New Delhi, the 23rd September 1967

S.O. 3545.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Selected Kajora Jambad Colliery, Post Office Ukhra, Burdwan and their workmen, which was received by the Central Government on the 20th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 24 OF 1967

PARTIES:

Employers in relation to the Selected Kajora Jambad Colliery,

AND

Their Workmen

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers: Absent.

On behalf of Workmen: Shri Bankey Singh, Organising Secretary, Colliery Mazdoor Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

(AWARD)

By Order No. 6/20/67-LRII, dated 4th March 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Selected Kajora Jambad Colliery P.O. Ukhra Distt. Burdwan and their workmen in respect of the matter specified in the following schedule:

"Whether the refusal to employ the following workers with effect from the 29th November, 1966 by the management of Selected Kajora Jambad Colliery was justified?"

1. Shri Basudeo Gowala, Clipman.
2. Shri Indrapal Koiri, U/G Trammer.
3. Shri Futu Koiri, U/G Trammer.
4. Shri Ramsurat Gowala, U/G Trammer.
5. Shri Kanhai Koiri, U/G Trammer.
6. Shri Ram Nehore Koiri, U/G Trammer.
7. Shri Nanhu Koiri, Sf. Trammer.
8. Shri Ram Murat Gowala, Sf. Trammer.

If not, to what relief are they entitled?

2. Both the Asansol Coal Field Workers' Union and the Colliery Mazdoor Union filed written statements on behalf of the workmen but ultimately the case was conducted by the Colliery Mazdoor Union. According to the case of the unions, the management used to make short payment to the workers and the workmen complained to the A.L.C., Central, Raniganj and the Labour Enforcement Officer, Central Ukhra and on some occasions the Labour Enforcement Officer, Central Ukhra personally visited the colliery and insisted on full payments. This antagonised the management and the management with effect from 29th November, 1966 stopped the 8 workmen concerned in this case from working in their respective jobs although no chargesheet was served on any one of them nor was any notice of transfer served on them. On behalf of the workmen the unions complained to the A.L.C., Central, Raniganj, and conciliation proceeding was held by him but no settlement was arrived at and ultimately the matter had to be referred to adjudication.

3. The management filed a written statement stating that the workmen were all temporary workmen and as the coal seam of Pit No. 5 of Selected Kajora Jambad colliery where these workmen were employed was getting exhausted,

the management felt it necessary to reduce the strength of the temporary workers and so transferred two of them namely Ram Nehore Koiri, U/G Trammer and Kanhai Koiri, U/G Trammer to East Jamuria colliery which is under the same management, and transferred four other workmen, namely Ramsurat Gowala, Indrapal Koiri and Futu Koiri, U/G Trammers and Basudeo Gowala, Clipman, to Goenka Kajora colliery, which is also under the same management; but they did not join at the collieries to which they had been transferred. As regards Nanhu Koiri, Sf. Trammer and Ram Murat Gowala, Sf. Trammer, the management stated that they had been voluntarily absenting themselves without any leave and it was not correct that the management had stopped them from work.

4. At the hearing of the case the management has not ultimately been represented. The date of hearing was originally fixed as 24th July 1967. On that day Shri B. Mishra, Executive Officer, appeared on behalf of the management and some witnesses were examined on behalf of the union and at the prayer of Shri B. Mishra hearing was adjourned to 15th September 1967 to enable the Personnel Officer, Shri S. N. Misra, to appear on behalf of the management. On 15th September 1967, however, nobody appeared on behalf of the management, and after waiting for over one hour the case was taken up for *ex-parte* hearing.

5. Six of the workmen concerned have appeared before the tribunal, namely (1) Basudeo Gowala, Clipman, (2) Indrapal Koiri U/G Trammer, (3) Futu Koiri, U/G Trammer, (4) Ramsurat Gowala, U/G Trammer, (5) Kanhai Koiri, U/G Trammer and (6) Ram Murat Gowala, Sf. Trammer. Of them, Basudeo Gowala and Futu Koiri stated that they have been employed for 5 years at the colliery and the remaining 4 workmen claimed to have been in the employment of the colliery for 6 or 7 years and all of them claimed to be permanent. Basudeo Gowala produced an authorisation slip for work as a Clipman *vide* Ext. 1 dt. 12th December 1965. He stated that he worked for some years as a trammer and then from 12th December 1965 he was promoted as a Clipman. The evidence of these workmen that they were permanent workers stands uncontradicted. It appears from the failure report that before the A.L.C., Central, Raniganj the management was asked to produce the B form register to show the date of appointment of the workmen concerned, but the management failed to produce the B form register, ultimately taking the ground that the B form register was not available. In the circumstances, it must be held that these workmen, i.e., the six workmen who have appeared before the tribunal and have given evidence, were permanent workmen and not temporary workmen. Accordingly, summary dismissal or stoppage from work in their case must be held to be unjustified.

6. As regards the contention of the management in the written statement and also before the A.L.C., Central, Raniganj that they had been transferred to other collieries in the neighbourhood as there was not sufficient work at Selected Kajora Jambad colliery, the workmen have all stated that they did not get any order or transfer before they were stopped from working. Basudeo Gowala has stated that he first came to know of the alleged transfer when the management said so before the Conciliation Officer. Moreover, Shri Bankey Singh, Organising Secretary, has deposed on oath that the East Jambad Kajora Colliery and the Goenka Kajora Colliery do not belong to Shri Sheo Bhagawan Goenka who is the owner of the Selected Kajora Jambad colliery though they belong to his relatives. In the circumstances, it must be held that the owner of the colliery was not competent to transfer these workmen to the other concerns as claimed in the written statement.

7. Accordingly the six workmen who have appeared before the tribunal are entitled to reinstatement as well as wages for the period of non-employment. As regards the two workmen who have failed to appear, there being no evidence before the tribunal that they are permanent workers, no relief can be given to them.

8. My award therefore is that the refusal to employ the following six workmen with effect from 29th November, 1966 by the management of Selected Jambad Kajora Colliery was not justified:—

1. Basudeo Gowala, Clipman.
2. Indrapal Koiri, U/G Trammer.
3. Futu Koiri, U/G Trammer.
4. Ramsurat Gowala, U/G Trammer.
5. Kanhai Koiri, U/G Trammer.
6. Ram Murat Gowala, Sf. Trammer.

I therefore direct that they be taken back in their posts within one month of the publication of the award and that they be given their wages for the period of non-employment. So far as No. (6) Ram Nehore Koiri, U/G Trammer and No. (7) Nanhu Koiri, St. Trammer, are concerned, there being no evidence to show that they were in permanent service no relief can be given to them.

(Sd.) S. K. SEN,
..Presiding Officer.

Dated the 15th September 1967

[No. 6/20/67-LRII.]

New Delhi, the 25th September 1967

S.O. 3546.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Pure Kujama Colliery of South Basra Coal Company, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 21st September, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR**

Camp at Dhanbad

Dated September 8, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

REFERENCE No. 45 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (24)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to Pure Kujama Colliery of South Basra Coal Company. Post Office Jharia, District Dhanbad (Bihar).

Vs.

Their workmen through Koyala Mazdoor Panchayat, P.O. Jharia, District Dhanbad.

APPEARANCES:

For employers—Sri D. S. Jamkar, Manager.

For workmen—Sri Haribansh Singh, Secretary, Koyala Mazdoor Panchayat.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

The Ministry of Labour and Employment, Government of India, by Notification No. 2/34/64-LRII, dated 18th April, 1964 referred a dispute to the Central Government Industrial Tribunal, Dhanbad, under Sec. 10(1) I.D. Act for adjudication. By another Notification No. 2/34/64-LRII, dated 6th June 1964 a corrigendum correcting the name of the employers which was originally mentioned as South Basra Colliery was issued as a result of this corrigendum the employers are now Pure Kujama Colliery of South Basra Coal Company. The corrected issue under reference is now as follows:—

Matter of Dispute

1. Whether the stoppage of Shri Faudar Gowala, Trammer, Pure Kujama Colliery of South Basra Coal Company from work with effect from 22nd November, 1963 by the management Pure Kujama Colliery of South Basra Coal Company, P.O. Jharia District Dhanbad was justified
2. If not to what relief is the workman entitled?

The proceedings remained pending before the Dhanbad Tribunal till transferrred to this Tribunal by Notification No. 8/25/67-LR.II, dated April 25, 1967. After issue of usual notices, the case was taken up on various dates because the parties intimated that they were compromising the dispute. It was ultimately taken up today and the sponsoring Union, Koyala Mazdoor Panchayat, intimated by means of a petition terms of which are reproduced in the annexure, that they are satisfied from the records of the management that the workman concerned

has settled the claim with the management and received payment. The Union, therefore, withdrew their appearance and did not contest the dispute. It, therefore, follows that the workman has been paid in full settlement of his claim and the issue is no more open for determination.

Decision:—

It is, therefore, held that since the workman concerned has settled the claim with the management, it is not necessary to record a finding on Issue No. 1. For Issue No. 2, it is held that he is not entitled to any further relief.

(Sd.) G. C. AGARWALA,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

Camp : Dhanbad

REFERENCE No. 24/67

Between the Management of Pure Kujama Colliery of South Basra Coal Co., P.O. Jharia Dist. Dhanbad.

AND

Their workman Shri Faudar Gowala, represented by the Koyala Mazdoor Panchayat, P.O. Jharia, Dist. Dhanbad.

In the matter of stoppage of work of Shri Faudar Gowala, Trammer.

May it please the Hon'ble Tribunal.

1. That the workman Shri Faudar Gowala, Trammer, South Basra Colliery, was represented in the Reference by Koyala Mazdoor Panchayat, hereinafter referred to as the panchayat.

2. That the employer has shown the Panchayat a payment voucher of Shri Faudar Ahir of..... the employer maintains that Shri Faudar Ahir is Faudar Gowala of the present Reference.

3. That the payment voucher says that the payment was made to Shri Faudar Ahir *alias* Faudar Gowala in the presence of Shri Haribansh Singh of Koyala Mazdoor Panchayat.

4. Shri Haribansh Singh confirms that payment as shown in the payment voucher of the employer was made to Shri Faudar Ahir *alias* Faudar Gowala in his presence.

5. That the Panchayat inspite of its best effort, has failed to trace Shri Faudar Ahir, *alias* Faudar Gowala and is therefore, unable to obtain further instructions from Shri Faudar Ahir *alias* Faudar Gowala.

The Panchayat, therefore, craves leave to withdraw its appearance from the Present reference and hereby withdraws its appearance on behalf of Shri Faudar Ahir *alias* Faudar Gowala.

And for this the Panchayat shall ever pray.

Yours faithfully,
HARIBANSH SINGH,
Secretary,
Koyala Mazdoor Panchayat.

Dated 8th September 1967.

Part of Award

(Sd.) G. C. AGARWALA,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
(Central) Jabalpur.

[No. 2/34/64-LRIL]

S.O. 3547.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad and their workmen, which was received by the Central Government on the 21st September, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR**

Camp at Dhanbad

Dated September 8, 1967

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

REFERENCE NO. 72 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE NO. CGIT/LC(R) (35)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to Madhuband Colliery, Post Office Nudkhurkee,
District Dhanbad.

Vs.

• Their workmen represented by Hindustan Khan Mazdoor Sangh.

APPEARANCES:

For employers—Sri K. C. Nandkeolyar, Dy. Chief Personnel Officer of the employers.

For workmen—Sri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/97/63-LR-II-I, dated 25th June 1964 the Ministry of Labour & Employment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad, for adjudication:

Matter of Dispute

Whether the management of the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad locked out the following four workmen with effect from the respective dates noted against them, if so, to what relief are the workmen entitled?

S. No. Name and designation of the workmen Date of lockout.

1. Chhota Ramdhani Beldar, Miner	17-10-1963.
2. Ramkaran Beldar, Miner	16-10-1963.
3. Lagan Rajbhor, Miner	16-10-1963.
4. Lotan Rajbhor, Miner	17-10-1963.

The proceedings remained pending before the Dhanbad Tribunal from 3rd July 1964 till transferred to this Tribunal by Notification No. 8/25/67-LR-II, dated 25th April, 1967.

Neither party filed statements of claim either before the Dhanbad Tribunal or before this Tribunal. On issue of usual notices by this Tribunal, the parties went on taking time till the Union's representative, Sri S. V. Acharior, General Secretary of the Union, intimated today by means of a petition, terms of which are reproduced in the annexure stating that since the workmen concerned were not traceable the Union would not press for adjudication in the matter. The employers were thereafter required to produce *ex parte* evidence. Sri K. C. Nandkeolyar, Deputy Chief Personnel Officer, examined himself and stated that the four concerned workmen were not at all locked out by the management but they were actually transferred from one mine to another in the same colliery. The transfer order was duly served but they did not join at their new place of

work. That being so, it is held that the management did not lock out the concerned workmen but they themselves remained absent and therefore they are not entitled to any relief.

Sd./- G. C. AGARWALA,
Presiding Officer.
8-9-1967.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Camp at Dhanbad

IN THE MATTER OF REFERENCE No. CGIT/LC(35) OF 1967
Employers in relation to Madhuband Colliery

Vs.

Their workmen represented by Hindustan Khan Mazdoor Sangh.

Humble petition on behalf of the workmen: —

1. That the case is fixed for hearing on 7th September, 1967.
2. That the workmen are untraceable and hence the Union does not press for any adjudication in the matter.

That under the circumstances, it is prayed that the dispute may kindly be treated as withdrawn by the Union, and for that the petitioner, as in duty bound, shall ever pray.

DHANBAD,

Dated 8th September, 1967.

(Sd.) S. V. ACHARIOR,
General Secretary,
Hindustan Khan Mazdoor Sangh,
Dhanbad.

Part of Award.

(Sd.) G. C. AGARWALA,
Presiding Officer.
8-9-1967.

[No. 2/97/63-LR.II-I.]

S.O. 3548.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relations to the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad and their workmen, which was received by the Central Government on the 21st September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

Camp at Dhanbad

Dated, September 8, 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 73 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (36)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to Madhuband Colliery, Post Office Nudkhurkee,
District Dhanbad,

Vs.

Their workmen represented by Hindustan Khan Mazdoor Sangh.

APPEARANCES:

For employers—Sri K. C. Nandkeolyar, Dy. Chief Personnel Officer of the employers.

For workmen—Sri S. V. Acharior, General Secretary, Hindustan Khan Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/97/63-LR.II-II, dated 25th June, 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad, for adjudication:

Matter of Dispute

Whether the management of the Madhuband Colliery, Post Office, Nudkhurkee, District Dhanbad, was justified in transferring Shri Ramswarup, Miner, from 1/10 pit to 17 seem, vide the management's order dated the 7th November 1963, if not, to what result is the workmen entitled?

The proceedings remained pending before the Dhanbad Tribunal from 3rd July, 1964 till transferred by Notification No. 8/25/67-LR.II, dated 25th April, 1967.

Neither party filed any statement of claim before the Dhanbad Tribunal or this Tribunal. After issue of notices by this Tribunal, the parties went on taking time to compromise which they have ultimately done today and have filed a compromise petition, terms of which are reproduced in the annexure. The dispute relates to one workman, Sri Ramswarup, Miner. From the terms of reference it appears that the dispute related to justifiability of the transfer by the management. By the terms of compromise it appears that the management has agreed to take him back on the original job with continuity of service which seems to have been broken for non-compliance of the transfer order. The dispute is satisfactorily resolved and an award is recorded in terms of compromise.

(Sd.) G. C. AGARWALA,

Presiding Officer.

Dated 8th September, 1967.

ANNEXURE

Before the Presiding Officer.—Central Government Industrial Tribunal-cum-Labour Court Jabalpur

(Camp at—Dhanbad)

IN THE MATTER OF REFERENCE No. CGIT/LC(R) (36) OF 1967

Employers in relation to Madhuband Colliery,

Vs.

Their workmen represented by Hindustan Khan Mazdoor Sangh.

Joint petition on behalf of both the parties:

Both the parties beg to submit as under:—

1. That this case is fixed for hearing for 7th September, 1967.
2. That without prejudice to their respective stands both the parties have amicably settled the matter as follows:—
 - (a) That the workmen concerned shall be taken back in his original job of miner with continuity of service provided he reports for duty within 14 days from the date of the award, positively.
 - (b) The intervening period will be treated as leave without pay.
 - (c) That the parties will bear their own costs.

It is therefore prayed that award based on the above settlement may kindly be given for which the parties as in duty bound, shall ever pray.

Dhanbad:.

Dated 8th September, 1967.

(Sd.) K. C. NANDKEOLYAR,

Dy. Chief Personnel Officer.

M/s. Karam Chand Thapar & Bros. (P) Ltd.
For the employers.

(Sd.) S. V. ACHARIOR,

General Secretary,
Hindustan Khan Mazdoor Sangh,
For workmen.

...Part of Award

(Sd.) G. C. AGARWALA,

Presiding Officer.

[No. 2/97/63-LR.II-II.]

New Delhi, the 26th September 1967

S.O. 3549.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Gararia Colliery of Messrs Gararia Colliery Company (P) Limited, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 21st September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

Camp at Dhanbad

Dated September 6, 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 90 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (19)/67 (JABALPUR TRIBUNAL)

PARTIES:

1. Employers in relation to Gararia Colliery of Messrs Gararia Colliery Co. (P) Ltd., P.O. Bansjora, District Dhanbad (Bihar).
 2. M/s. Sendra Bansjora Colliery Co. (P) Ltd.
- Vs.

Their workmen represented through (1) Colliery Mazdoor Sangh, Dhanbad and (2) Mine Mazdoor Union, Dhanbad.

APPEARANCES:

For employers—Sri B. P. Dabral, Chief Personal Officer.

For workmen—(1) Sri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.
(2) Sri Prasant Burman, Vice President, Mine Mazdoor Union.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

The Ministry of Labour and Employment, Government of India, by Notification No. 2/85/64-LRII, dated 11th August, 1964, referred the following dispute between the Gararia Colliery as employers and the workmen represented by

Colliery Mazdoor Sangh to Central Government Industrial Tribunal, Dhanbad, under Section 10(1) I.D. Act for adjudication:

Matter of Dispute

Whether the management of the Gararia Colliery was justified in stopping the workmen in the colliery from work with effect from the 29th May, 1964? If not, to what relief are the workmen entitled?

The proceedings remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII, dated April 25, 1967.

It appears that Gararia Colliery was closed with effect from 28th May, 1964. It, however, did not declare a lock out or a closure. Colliery Mazdoor Sangh raised a dispute about this non-employment of workers of the Colliery in conciliation which resulted in this reference. Meanwhile, the management of Gararia Colliery by some agreement was taken over by Sendra Bansjora Colliery. The new management entered into a settlement with the Union on 11th October, 1964, terms of which are reproduced in the annexure "A". This was in Form H Rule 58 of the Industrial Disputes Rules and copies thereof were sent to proper authorities. The parties, however, did not inform the Dhanbad Tribunal about this settlement. Another Union, Mine Mazdoor Union, on coming to know of this settlement applied to Dhanbad Tribunal on 7th December, 1964 that they were representatives of the workmen and filed a long list of 115 workmen in proof of their authorisation. This Union claimed representation. No orders were passed by the Dhanbad Tribunal on this petition. When the matter came up for consideration before me on 25th May, 1967, after issue of usual notices, the representative of Sendra Bansjora Colliery appeared and filed a joint petition that the settlement entered into by Colliery Mazdoor Sangh and both the employers, Gararia Colliery Co. and the new management of Sendra Bansjora Colliery, after amalgamation of the two companies should be accepted. Notice of this fact was sent to Mine Mazdoor Union and after hearing all the parties at length on 19th June, 1967, at Dhanbad it was directed that the new management of Sendra Bansjora Colliery Company and the opposing Union, Mine Mazdoor Union, shall be made parties and be heard under Section 18(3) I.D. Act. This Union, Mine Mazdoor Union, which had vehemently opposed the settlement intimated before me at the time of hearing on 6th September, 1967 at Dhanbad that they are satisfied with the settlement and will abide by the same. A copy of their petition is annexure "B" to this award. That being so, both the unions now accept the settlement which was arrived at during reference. Strictly speaking, it is not a settlement as defined in Section 2(p) of I.D. Act. It, however, represents fair adjustment of dispute by compromise. In order to judge whether the compromise is really fair for the workmen I required the new management of Sendra Bansjora Co. to file a statement on affidavit showing the entire complement of workers both permanent and temporary, who were in the employment of Gararia Colliery at the time of closure and the manner in which each workman has been dealt with either by payment of retrenchment compensation or by re-employment or both. This the management complied with and filed the same. On perusal of this it appears that the workmen have been fairly treated. Consequently the compromise settlement, dated 11th October, 1964, is accepted as a bonafide settlement of the dispute and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer.
6-9-67.

ANNEXURE 'A'

FORM-H

(See Rule—58)

Memorandum of Settlement

NAME OF PARTIES:

Representing Employers:

- (1) Shri S. N. Tibrewalla, Managing Director, M/s. Gararia Colliery Co. Pvt. Ltd.
- (2) Shri L. J. Pathak, Chief Personnel Officer, Sendra Bansjora Colliery Co. Pvt. Ltd.
- (4) Shri B. P. Dabral, Group Labour Officer, Sendra Bansjora Colliery Co. Pvt. Ltd.

Representing Workmen:

- (1) Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh.
- (2) Shri Mahendra Pratap Singh, Secretary, Colliery Mazdoor Sangh Branch, Gararia Colliery.
- (3) Shri Mahadeo Singh, Asstt. Secretary, Colliery Mazdoor Sangh, Branch, Gararia Colliery.

Short Recital

Due to economic reasons, Gararia Colliery of M/s. Gararia Colliery Co. (Private) Ltd., was in bad shape for quite sometime, leading to the stoppage of production on and from 28th May, 1964. Thereafter, the Colliery remained closed, though some members of the Office Staff and a few others worked, even after 28th May, 1964, on certain days. In the meanwhile, M/s. Gararia Colliery Co. (P) Ltd., negotiated with M/s. Sendra Bansjora Colliery Co. (Private) Ltd., for amalgamation of the former's Gararia Colliery with the latter's Sendra Bansjora Colliery. The negotiations between the two parties have since been finalised and the Collieries have been amalgamated.

One of the terms of the Deed of Amalgamation between the Parties is that M/s. Gararia Colliery Co. Pvt. Ltd. would retrench their staff and workmen excepting those whom M/s. Sendra Bansjora Colliery Company (Pvt.) Ltd., would be in a position to retain at the time of taking over for the purpose of working the amalgamated unit. This term has brought in sharp focus the question of determination as to who should be retained by M/s. Sendra Bansjora Colliery Co. (P) Ltd., and who should be retrenched and what benefits should be allowed to the retrenches.

The entire situation arising from the above was discussed between the parties on several days and finally on the 11th October, 1964, when the following amicable settlement was reached.

Terms of Settlement

(1) Agreed that the Gararia Colliery of M/s. Gararia Colliery Co. (Private) Ltd. shall be deemed to have been closed with effect from 1st June, 1964.

(2) Agreed that all the permanent miners and Wagon Loaders be taken over by M/s. Sendra Bansjora Colliery Co. (P) Ltd., in their employment with continuity of service. The period from 1st June, 1964, till 19th October, 1964, shall be treated as leave without pay.

(3) Agreed that in case, any of the permanent trammers are willing to work as Wagon Loaders, they shall also be taken over by M/s. Sendra Bansjora Colliery Co. (P) Ltd. on the same terms as in Clause—2 above.

(4) Agreed that all other workmen shall be deemed to have been retrenched with effect from 1st June, 1964, and shall be paid notice-pay and retrenchment compensation in terms of the proviso to Section 25FFF of the I.D. Act.

(5) Agreed that the monthly paid staff and the daily rated workmen shall be paid the salary/wages for the month of June 64 on ex-gratia consideration.

(6) Agreed that proportionate bonus for the quarter ended 30th June, 1964, shall be payable to all the workmen on rolls provided that they have put in the proportionate requisite attendances in the said quarter.

(7) Agreed that proportionate Leave Wages would be paid to the retrenched workmen in respect of the service in 1964 in all cases where the requisite proportionate qualifying attendances have been put in.

(8) Agreed that in future vacancies, occurring in the amalgamated unit, preference would be given to the persons retrenched.

(9) Agreed that all payments to the workmen in this respect shall be completed by 31st October, 1964, on their handing over the vacant possession of the Company's quarters.

(10) Agreed that the managements shall take immediate steps to get the Coal Mines Provident Fund accumulations refunded to the retrenched workers.

(11) Agreed that besides the retrenchment benefit and other legal dues payable to the entitled workers, a sum equivalent to one month's wages shall be paid to each one of the retrenched employees on ex-gratia considerations.

(12) Agreed that all unpaid wages and bonus shall be paid to the workmen on or before 31st October, 1964.

(13) Agreed that Train fare for outward journey shall be paid to all retrenched workmen, who may qualify for proportionate leave.

(14) Agreed that all the aforesaid amounts shall be paid by M/s. Sendra Bansjora Colliery Co. (P) Ltd., on account of M/s. Gararia Colliery Co. (Pvt.) Ltd.

(15) It is agreed that joint compromise petitions shall be filed by the Parties concerned before the appropriate authorities for dropping proceedings under Sec. 107 Cr. P. C.

(16) It is agreed that a joint settlement in respect of Industrial Disputes referred to the Industrial Tribunal, Dhanbad, for adjudication regarding justification or otherwise "in stopping the workmen in the Colliery from work with effect from 29.5.64" should be filed by parties concerned in terms of this agreement.

Representing employers
Sd/- S. N. TIBRAWALLA,
11-10-64.

Representing Workmen
Sd/- S. DAS GUPTA,
11-10-64.

Secretary.

Managing Director,
The Gararia Colliery Co. Pvt. Ltd.
Sd/- L. J. PATHAK,
11-10-64.

Colliery Mazdoor Sangh.
Sd/- M. P. SINGH,
11-10-64.

Chief Personnel Officer,
Sendra Bansjora Colliery Co. (P) Ltd.
Sd/- B. P. DABRAL,
11-10-64.

Secretary,
C.M.S. Branch, Gararia Colliery.
Sd/- MAHADEO SINGH,
Asstt. Secretary,
C.M.S., Gararia Branch.

Sd/- Illegible,
11-10-64.

Copy to.—(1) The Conciliation Officer (C), Dhanbad.

(2) The Regional Labour Commissioner (C), Dhanbad.

(3) The Chief Labour Commissioner (C), New Delhi.

(4) The Secretary to the Government of India, Ministry of Labour and Employment.

Sd/- S. DAS GUPTA.
Sd/- B. P. DABRAL.

Part of Award

Sd/- G. C. AGARWALA,
6-9-67.

... ANNEXURE 'B'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT (CENTRAL), JABALPUR

Camp, Jamshedpur

REFERENCE No. 675-CGIT/LC(R) (19)/67

PARTIES:

Employers in relation to Gararia Colliery,

AND
Their Workmen.

Petition for withdrawal of objection to settlement, dated 22nd May, 1967, filed by the management and the Colliery Mazdoor Sangh.

This humble petition by the Mine Mazdoor Union, Sijua, hereinafter referred to as the "Union" shows as under:

1. That in response to the direction of the Hon'ble Tribunal, the Union had filed on 5th June, 1967, their objections to the compromise petition filed by the management and the Colliery Mazdoor Sangh earlier on 22nd May, 1967.

2. That, on spot verification, the Union has since found that the amalgamation of Gararia Colliery with, and administration thereof by, Sendra Bansjora Colliery is an indisputable fact, and further, the workmen concerned have settled their claims directly with the new management.

3. That, the Union is genuinely satisfied that the workmen concerned in the present Reference have ceased to have any more active interest for pursuing the dispute sponsored by the Union.

4. That under the aforesaid circumstances the Mine Mazdoor Union is no longer interested in pursuing their objections raised in their earlier petition of 5th June, 1967 and, therefore, hereby pray that the Hon'ble Tribunal may be pleased to pass such orders as may be deemed proper and necessary for final determination of the present dispute.

For which act of kindness the petitioner shall as in duty bound ever pray.

5. The Petitioners further submit that a copy of the present petition has been duly served on the Employers.

For Workmen:

Sd/- PRASANTA BURMAN,
17-8-67.

Vice President,
Mine Mazdoor Union.

Dated, Dhanbad, the 17th August, 1967.

Part of Award

Sd/- G. C. AGARWALA,
Presiding Officer.
[No. 2/85/64-LR.II.]

S.O. 3550.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Kustore Colliery (Ranegunge Coal Association Limited) Post Office Kusunda Dhanbad and their Contractors Messrs D. M. Shukla and Company of the one part and their workmen of the other part, which was received by the Central Government on the 21st September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

Dated September 15, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

REFERENCE No. 48 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R)(12)/67 (JABALPUR TRIBUNAL)

PARTIES:**BETWEEN**

Employers in relation to the Kustore Colliery (Raneegunge Coal Association Limited), Post Office Kusunda, Dhanbad and their contractors Messrs D. M. Shukla and Company of the one part and their workmen, on the other part, through Bihar Koyla Mazdoor Sabha, Dhanbad (Bihar).

APPEARANCES:

For employers—1. Shri S. N. Basu, Chief Personnel Officer, Kustore Colliery.
2. Shri Harsadray Shukla, M/s. D. M. Shukla & Co.

For workmen—Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha, Dhanbad.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/1/64-LR.II, dated May 5, 1964, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad:—

Matter of Dispute

Whether the action of the management of Kustore Colliery (Raneegunge Coal Association Limited) and their contractors Messrs D. M. Shukla and Company in refusing employment to the following 12 Hard Coke workers was justified? If not, to what relief are the workmen entitled?

Name

1. Balgobind Kumhar.
2. Dhaneswar Singh.
3. Ainu Mia.
4. Paban Rajwar.
5. Jhupni Kamin.
6. Fulmani Rajwarin.
7. Makhni Rajwarin.
8. Janki Rajwarin.
9. Rabni Rajwarin.
10. Kusumi Rajwarin.
11. Bhimla Rajwarin.
12. Beli Rajwarin.

The proceedings remained pending before the said Tribunal from 11th May, 1964, till transferred to this Tribunal by Notification No. 8/25/67-LR.II, dated April 25, 1967.

The parties filed their statements of claim before the Dhanbad Tribunal. After issue of usual notices, the parties took time to file rejoinders and have ultimately compromised the dispute, terms of which are reproduced in the annexure.

The dispute relates to the non-employment of 12 workmen and as the terms of compromise would show, eight have already settled their dispute with the management. For the remaining four, the management has agreed to make certain payments in full and final settlement of their claims. The Union has, therefore, not pressed the dispute. The compromise has been duly verified before the Regional Labour Commissioner, Dhanbad. It is a just and fair settlement of the dispute and an award is recorded in terms thereof.

Sd/-G. C. AGARWALA,
Presiding Officer,

15-9-67.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT (CENTRAL), JABALPUR

REFERENCE No. CGIT/LC(R)/12/67

PARTIES:

Employers in relation to Kustore Colliery (Messrs. Raneegunge Coal Association Ltd.), P.O. Kusunda, Dt. Dhanbad and their Contractors M/s. D. M. Shukla & Co. on the one part.

AND

Their Workmen on the other part—represented by the Bihar Koyla Mazdoor Sabha.

Petition of Compromise

This humble petition on behalf of the parties above-named beg to submit:—

1. That the industrial dispute in respect of the 12 workmen—

(1) Balgobind Kumhar (2) Dhaneswar Singh (3) Ainu Miah (4) Paban Rajwar (5) Jhupni Kamin (6) Fulmoni Rajowarin (7) Rabni Rajowarin (8) Kusmi Rajowarin (9) Bhimla Rajowarin (10) Beli Rajowarin (11) Makhni Rajowarin (12) Janki Rajowarin has been pending before the Hon'ble Tribunal.

2. That during the pendency of the above reference the following workmen concerned have settled their cases with the management directly, having received full and final payment, and have submitted applications individually to the Hon'ble Tribunal—

(i) Paban Rajowar (ii) Fulmoni Rajowarin (iii) Makhni Rajowarin (iv) Janki Rajowarin (v) Rabni Rajowarin (vi) Kusmi Rajowarin (vii) Bhimla Rajowarin (viii) Beli Rajowarin.

3. That in view of the above fact the workmen and the Union agree not to agitate over the claims of the above-named workmen.

4. That in respect of the rest of the four workmen concerned, the parties, without prejudice to their respective submissions before Hon'ble Tribunal, agree to settle the disputes on the following terms and conditions:

Terms of Settlement

(a) That the employers (The Contractors) agree to make payment of the amounts to the workmen concerned as shown against the name of each below:—

Name	Amount
(i) Dhaneswar Singh	Rs. 900.00 (Rupees nine hundred)
(ii) Balgobind Kumhar	Rs. 600.00 (Rupees six hundred)
(iii) Ainu Miah	Rs. 600 00 (Rupees six hundred)
(iv) Jhupni Kamin	Rs. 450.00 (Rupees four hundred & fifty only)

in full and final settlement of all their claims.

(b) That the workmen shall have no other claim on the company or the contractor after the above payments are made to them.

(c) That the management agrees to make payment of the agreed amount as noted above to the workmen concerned within a week from the date of this settlement.

5. That the parties humbly pray that the Hon'ble Tribunal may be pleased to hold the above terms of settlement as fair and reasonable, and may be pleased to pass an award accordingly.

And for this the petitioners shall pray.

Date 23rd August, 1967.

For the Workmen:

Sd/- Illegible.

23-8-67.

Sd/- LALIT BURMAN,

Secretary,

23-8-67.

Bihar Koyla Mazdoor Sabha, Dhanbad.

Witness:

(Sd.) Illegible.

Part of Award

For M/s. D. M. Shukla & Co.

Sd/- HARSADRAY SHUKLA,

Main Road, Jharia, Dhanbad.

For the Management, Kustore Colliery.

(Raneegunge Coal Association Ltd.)

Sd/- S. N. BASU,

Chief Personnel Officer.

(Sd.) G. C. AGGARWALA,

Presiding Officer,

[No. 2/1/64-LRII.]

S.O. 3551.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the Nag's Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 21st September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA
REFERENCE No. 23 OF 1967.

PARTIES:

Employers in relation to the Nag's Kajora Jambad Colliery,

AND

Their Workmen.

PRESENT:

Shri S. K. Sen Presiding Officer

APPEARANCES:

On behalf of the Employers: Shri K. P. Mukherjee, Advocate.

On behalf of the Workmen: Shri S. N. Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

By Order No. 6/18/67-LRII dated 3rd March 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Nag's Kajora Jambad Colliery, P. O. Ukhra, Dist. Burdwan and their workmen in respect of the matters specified in the following schedule:

"Whether the retrenchment of the following workers by the management of Nag's Kajora Jambad Colliery with effect from the 14th January, 1967 is justified?

1. Shri Sriekbal Pandey, Peon
2. Shri Kallo Saikc, Peon
3. Shri Rajeshwar Tiwari, Peon
4. Shri Sant Ram, Loader
5. Shri Mukhlal Singh, Loader
6. Shri Rambali Singh, Loader
7. Shri Deokaran Ahir, Loader
8. Shri Karmu Sahis, Loader
9. Shri Manu Lal Passy, Loader
10. Shri Duijoy Ram, Loader
11. Shri Rambagas, Loader
12. Shri Sudha Ram, Loader
13. Shri Sandeo Raibhar, Loader
14. Shri Mahesh Yadav, Loader
15. Shri Jakhu Yadav, Loader

If not, to what relief are they entitled?

2. According to the management, on account of shortage of working faces they decided to retrench 12 out of 140 loaders, and in order to effect some economy as colliery was running at a loss, decided to reduce the staff of peons and night guards by 3; accordingly the management issued notices of retrenchment on 15th December, 1966 informing the 3 peons or night guards and the 12 loaders that they would be retrenched with effect from 14th January 1967. In the notice it was stated that retrenchment compensation would be paid by the 14th January 1967 and that the workmen might collect their other dues between 14th January and 20th January, 1967. Seven of the workmen accepted the retrenchment compensation but the remaining workmen refused and to them the retrenchment compensation was sent by money order but the same generally came back undelivered. The management however took at all the necessary steps required under Sec. 25F of the Industrial Disputes Act in connection with retrenchment.

3. The workmen were at first represented by the Asansol Coal Field Workers' Union, which tried to obtain relief for workmen before the Conciliation Officer and which also filed a written statement after the case had been referred to adjudication. Subsequently the workmen filed a petition on 30th May 1967, that they had given up membership of the Asansol Coal Field Workers' Union and had joined the Colliery Mazdoor Congress, HMS, and wanted to be represented by Shri Joyanta Poddar of the Colliery Mazdoor Congress, HMS, and Shri S. N. Banerjee, Advocate. A fresh written statement was also filed by Joyanta Poddar as Assistant Secretary of the Colliery Mazdoor Congress, HMS, on behalf of the workmen on the same date. This representation and the fresh written statement were accepted. The main point taken in the written statement on behalf of the workmen is that the 15 workmen served with retrenchment notice were permanent workmen and the company had a number of temporary workmen and if the company really wanted to reduce the number of workmen they might have discharged some of the temporary workmen and not retrenched the permanent workmen.

4. It should be mentioned that before the affidavit in support of the fresh representation and the written statement by the Assistant Secretary of the Colliery Mazdoor Congress, HMS, were filed, 12 of the 15 workmen concerned had been given temporary employment as trammers at the colliery. The settlement in this respect took place before the Conciliation Officer on 27th April, 1967. Before that there was trouble for about 5 days at the colliery. It was stated by Shri K. P. Mukherjee, Advocate appearing on behalf of the management that the settlement was the result of a 'Gherao' staged by the workmen as the result of which the then manager sent in his resignation. One of the witnesses examined for the workmen, namely Shri Ram Naresh Singh, denied that there was any 'gherao' but he admitted that there was stoppage of work at the colliery for 5 days and that the manager had gone away and sent in his resignation at that time.

5. The case was heard on a contested basis on 25th July 1967 and was adjourned to 16th September 1967 for further hearing. On 16th September 1967 the parties stated that the matter had been settled out of court and filed a joint petition embodying the terms of settlement. According to the terms of settlement, such of the retrenched workmen as are working at the colliery (as the result of the settlement of 27th April 1967) will continue to work in their present jobs and will be absorbed in their old categories if and when there are vacancies in those categories and their period of non-employment will be treated as leave without pay; the retrenched workmen who have not yet been employed at the colliery will be given notice by the management to report and join and if they fail to report within 2 weeks the management would not be bound to provide them with any employment; those who accepted the retrenchment compensation will refund the same in instalments, and the management shall pay a lump sum of Rs. 500/- to the union. The terms are favourable to the workmen and are accepted.

An award is therefore made in terms of the petition of settlement a copy of which shall form part of the award.

Dated 16th September 1967.

(Sd.) S. K. Sen,
Presiding Officer.

The following settlement arrived at between the management of Nag's Kajora Jambad Colliery, P. O. Ukhra (Burdwan) and Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

1. That as regards the workmen whose cases are pending before the Hon'ble Central Govt. Industrial Tribunal Calcutta, Reference No. 23 of 1966—the parties agree that the matter is amicably settled on the following terms:—

- (a) That the Management of Nag's Kajora Jambad Colliery agrees to re-instate the workers under reference No. 23 of 1966 in their present job in which they are working with effect from 11th September 1967 and the period of idleness shall be treated as leave without pay, and they will be absorbed in their old categories, if there be vacancy in the categories.
- (b) That the parties agree that those retrenched workers who fail to report within two weeks will not be provided with any employment, after issue of due notice to such workers by the management at their respective home address.
- (c) That those who accepted the retrenchment compensation shall refund the amount in instalments.
- (d) That the parties agree to submit joint petition before the Hon'ble Central Govt. Industrial Tribunal, Calcutta for a 'No Dispute' award in view of the present settlement.
- (e) That the management agrees to pay a lump sum amount of Rs. 500/- (Rupees Five Hundred only) towards the expenses of the above Tribunal case to the union.

Sd/- JAYANTA PODDAR 8/9/67.
Representative of the Union
Colliery Mazdoor Congress (HMS)
Bengal Hotel, Asansol

(Sd.) Illegible,
Representative of the
Management,
Nag's Kajora Jambad Colliery
P. O. Ukhra (Burdwan).

Sd/- Illegible.

Sd/- Illegible.

Dated 8th September 1967.

Sd/- N. C. Mukherjee

[No. 6/18/67-LRIL]

ORDERS

New Delhi, the 25th September 1967

S.O. 3552.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Umaria Colliery of Rewa Coalfields Limited Post Office Dhansar, District Shahdol and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

THE SCHEDULE

Whether the intended closure of one shift of Umaria Colliery with effect from 1st August, 1967 by the management of Umaria Colliery of Messrs. Rewa Coal Fields Limited, Post Office Dhanpuri, and asking the workers to opt for pension of gratuity and also proposing transfer of surplus workers from Umaria Colliery to other collieries without following the precedures as laid down in Chapter VA of the Industrial Disputes Act, 1947 is justified; if not to what relief are the workmen entitled?

[No. 5/31/67-LRIL]

S.O. 3553.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bararee Colliery No. 5 Pit of Messrs East India Coal Company Limited, Post Office Jealgora (Dhanbad) and their raising Contractors Messrs G. S. Atwal and Company (Asansol), G. T. Road, Asansol on the one part and their workmen of the other part in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7-A of the said Act.

THE SCHEDULE

Whether the action of the management of Bararee Colliery No. 5 Pit of Messrs East Indian Coal Company Limited, Post Office Jealgora and their Contractors Messrs G. S. Atwal and Company (Asansol), Post Office Asansol in suspending the work of the said Colliery with effect from the 1st December, 1966 and laying-off of the workmen was justified? If not, to what relief, are the workmen entitled?

[No. 2/62/67-LR.II]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 25th September 1967

S.O. 3551.—In exercise of the powers conferred by the fourth proviso to clause (h) of Sub-section (5) of Section 8 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), read with sub-clause (2) of Clause 8 of the Personal Injuries (Compensation Insurance) Scheme, 1965, the Central Government hereby directs that the amount of the advance premium payable in respect of the quarter ending 31st December, 1967, shall—

- (1) in the case of a person having a policy in force on the 30th September 1967 be 'Nil' and
- (2) in the case of a person who is required to take out a policy of insurance for the first time on the basis of his having been an employer for the complete quarter ending the 30th September 1967, be five paise per one hundred rupees of the wages bill for the quarter ending the 30th September, 1967.

[No. 2/2/67-Spl. Fac.II.]

P. SADAGOPAN, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 25th September 1967

S.O. 3555.—Whereas the Central Government is satisfied that the Government Press, Aurangabad, owned by the State Government of Maharashtra, is situated in an area where the provisions of Chapter V of the Employees' State Insurance Act, 1948 (34 of 1948) have not been enforced;

And, whereas the said factory is both non-commercial and non-competitive in nature;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act, until the enforcement of the provisions of Chapter V of the said Act, in the said area.

[No. F.6(29)/67-HI.]

S.O. 3556.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in Column 4 of the schedule appended below in sparse areas specified in the corresponding entry in Column 3 of the said schedule, in the State of Andhra Pradesh, hereby exempts them from the payment of the employer's special contribution leviable under Chapter VA of the said Act, until the enforcement of the provisions of Chapter V of the said Act in the said areas.

SCHEDULE

<i>S. No.</i>	<i>Name of the District</i>	<i>Name of Area</i>	<i>Name of Factory</i>
1	2	3	4
1.	East Godavari	Samalkot	M/s. The Andhra Brick and Tile manufacturing Co. Cooperative Society Ltd.
2.	Guntur	Lingamgunta (Via Narasaraopet)	P.W.D. Nagarjunasagar Canals Workshops.
3.	Visakhapatnam	Vepagunta Upper Sileru	Meters, relays testing and special maintenance sub-division (Simhachalam) Executive Engineer, P.W.D. Penstock Fabrication and Erection Division.
4.	West Godavari	Akividu	M/s. Sree Ramakrishna Engineering Co.

[No. F. 6(21)/67-HI.]

S.O. 3557.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory, namely, the Government Press at Bhavnagar, belonging to the State Government of Gujarat in an implemented area, hereby exempts the said factory from the payment of employer's special contribution leviable under Chapter VA of the said Act, for a period of one year with effect from the date of publication of this notification in the Official Gazette.

[No. F.6(51)/67-HI.]

S.O. 3558.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs J. B. Mody & Brothers, 121-Fort Street, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of April, 1966.

[No. 8/42/67/PF-II.]

S.O. 3559.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. New York Times, New Delhi Bureau, IENS Building, Rafi Marg, New Delhi, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the 1st November 1966.

[No. 8/8/67/PF-II.]

New Delhi, the 26th September 1967

S.O. 3560.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in the schedule hereto annexed in a sparse area in the State of West Bengal, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in that area.

THE SCHEDULE

S. No.	Name of the District	Name of Area	Name of Factory
1.	Jalpaiguri	Damanpur	(i) M/s. Manindra Nath Das Saw Mill (ii) M/s. Das Saw Mill.

[No. F. 6(31)/67-HI.]

S.O. 3561.—Whereas the Central Government has in pursuance of clause (f) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri R. N. Joshi, Senior Executive, Kohinoor Mills Company Limited, Bombay, to be a member on the Employees' State Insurance Corporation, in place of Shri Basudev Somani;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1966, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the Central Government under clause (f) of section 4 in consultation with Organisations of employers recognised by the Central Government for the purpose)", for the entry against item, 23, the following entry shall be substituted, namely:—

"Shri R. N. Joshi, Senior Executive, Kohinoor Mills Company Limited, Killick House, Home Street, Fort, Bombay-1".

[No. F. 3/18/66/HI.]

S.O. 3562.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 137, dated the 9th January, 1962, namely:—

In the schedule to the said notification, (i) against serial No. 9 the entry "Veraval" in column 3 and the following entries in column 4, namely,

1. Government Press House.
2. Western India Bone Mills and Manure Works.
3. Mathuradas Jadhavji and Co.
4. Sonecha Oil Mills P. Ltd.
5. Veraval Oil Cake Co.
6. M/s. Islam Cotton Pressing and Oil Mill.
7. Nutan Industry Works.
8. Sarvodaya Oil Mill.
9. Jay Hind Oil Mill."

shall be omitted;

(ii) against serial No. 17, the entry "Limbdī" in column 3 and the following entries in column 4, namely:—

1. Trambaklal Manilal Shah Button factory.
2. Durgha Wood Works.
3. Saurashtra Cooperative Spinning Mills Ltd."

shall be omitted.

[No. F. 6(46)/67-HI.]

S.O. 3563.—Whereas the State Government of Bihar has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri R. C. Sinha, Secretary to the Government of Bihar, Department of Labour and Employment, Patna to represent that State on the Employees' State Insurance Corporation in place of Shri F. Ahmad;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1966, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments under clause (d) of section 4)", for the entry against item 10, the following entry shall be substituted, namely:—

"Shri R. C. Sinha, Secretary to the Government of Bihar, Department of Labour and Employment, Patna."

[No. F. 3/18/66/HL.]

S.O. 3564.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories specified in the schedule hereto annexed, in sparse areas in the State of Punjab, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of the said Act in the said areas:—

SCHEDULE

S. No.	Name of the District	Name of Area	Name of the factory
1.	Amritsar	Sultanwind Town	M/s. Podar Metal Works Near New Canal Bridge.
2.	Ferozepur	Dhudi-Ke	M/s. Snow White Porcelain Enamel Works.
3.	Hoshiarpur	Talwara	(i) M/s. Re-inforcement Fabricators Shop, P.O. Sansarpur. (ii) M/s. UP Stream Batching Plant at Khanpur.
4.	Kapurthala	Hadia Bad	M/s. Metro Engineering Works.
5.	Patiala	Vill. Jhull	M/s. Navyug Trading Corporation.
6.	Rohtak	Vill. Sultanpur	M/s. India Rock Wool Co. (P) Ltd.

[No. F. 6(22)/65-HL.]

S.O. 3565.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in Column 4 of the Schedule hereto annexed in sparse areas specified in Column 3 of the said Schedule in the State of Orissa, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

THE SCHEDULE

S. No.	Name of District	Name of Area	Name of the factory
1.	Cuttak	Phulnakhara	M/s. Cuttak Milk Union Scheme.
2.	Keonjhar	Chatgoan	M/s. Mukundapur, Patna Panchayat Saw Mill and Industrial Co-operative Society Ltd.
3.	Mayurbhanj	Betanati	M/s. Betanati Carpentry (Panchayat Industry) Co-operative Society Ltd.

[No. F. 6(25)/67-HL.]

S.O. 3566.—In exercise of the powers conferred by section 73F of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory, namely the Government Central Press, Ahmedabad, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act upto and including 15th August, 1968.

[No. F. 6(2)/67-HI.]

S.O. 3567.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory namely, Electric Sub-Station No. IV, New Delhi Municipal Committee, Market Lane, New Delhi, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 4th September, 1967.

[No. F. 6(47)/66-HI.]

S.O. 3568.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st day of October, 1967, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Orissa, namely:—

The area within the Municipal limits of Jharsuguda, and the areas within the following revenue villages:—

1. Badhamunda
2. Balighudi
3. Talmal
4. Malimunda
5. Saraspali
6. Arda
7. Dotara
8. Kelendamal
9. Ekatali

in the district of Sambalpur.

[No. F. 13(15)/67-HI.]

S.O. 3569.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shalimar Tanning Company, 72, M. C. Road, Solur, Ambur, North Arcot District (Madras State), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the 1st day of October, 1967.

[No. 8/113/67/PF-II.]

S.O. 3570.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri R. P. Sood and Tarsam Lal to be Inspectors for the whole of the States of Punjab and Haryana and the Union territories of Chandigarh and Himachal Pradesh for the purposes of the said Act and of any scheme framed thereunder in relation to establishments belonging to, or under the control of, the Central Government, or in relation to establishments connected with a railway company, a mine or an oil-field or a controlled industry.

[No. 20/4/67-PFI(I).]

S.O. 3571.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Fund Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1526 dated the 10th May, 1962.

[No. 20(4)/67-P.F-I(ii).]

S.O. 3572.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the schedule below in sparse areas in the State of Uttar Pradesh, hereby exempts the said factories from the payment of the Employer's special Contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of the said Act in the said areas.

SCHEDULE

S. No.	Name of District	Name of Area	Name of Factory
1.	Azamgarh	Mau Nath Bhanjan	M/s. Shree Hind Finishing Industries.
2.	Lucknow	Ghazipur	The Narang Dairy Products Co.

[No. F.6(13)/67-HI.]

S.O. 3573.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs S. P. K. Lorry Service, 23/24, Nageswaran Koli Street, Ambur, North Arcot District, (Madras State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st October, 1967.

[No. 8/112/67/PF-II.]

S.O. 3574.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs N. Narshimha Handling Contractor, 12/F, Padma Rao Nagar, Secunderabad (Andhra Pradesh), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of June, 1967

[No. 8/114/67/PF-II.]

S.O. 3575.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Glaxo Employees' Cooperative Canteen Limited, 30 Velacheri Road, Madras-32 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment, with effect from the 1st October, 1967.

[No. 8/110/67/PF-II.]

S.O. 3576.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3941 dated the 24th December, 1962, the Central Government hereby specifies each of the persons mentioned in the Schedule hereto annexed as the authority who may sanction the making of a report in writing of

the facts constituting an offence under the Coal Mines Bonus Scheme, 1948, published with the notification of the Government of India in the late Ministry of Labour No. PF.16(1)/48, dated the 3rd July, 1948.

'THE SCHEDULE'

1. The Chief Labour Commissioner (Central), New Delhi.
2. The Deputy Chief Labour Commissioner (Central), New Delhi
3. The Deputy Chief Labour Commissioner (Central), Dhanbad.
4. The Regional Labour Commissioner (Central), Dhanbad.
5. The Regional Labour Commissioner (Central), Calcutta.
6. The Regional Labour Commissioner (Central), Jabalpur.
7. The Regional Labour Commissioner (Central), Asansol.
8. The Regional Labour Commissioner (Central), Ajmer.
9. The Regional Labour Commissioner (Central), Bombay.
10. The Regional Labour Commissioner (Central), Hyderabad.

[No 3(35)/67-PF-I(i).]

S.O. 3577.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3942 dated the 24th December, 1962, the Central Government hereby specifies each of the persons mentioned in the Schedule below as the authority who may sanction the making of a report of the facts constituting an offence under the Andhra Pradesh Coal Mines Bonus Scheme, 1952, the Rajasthan Coal Mines Bonus Scheme, 1954, and the Assam Coal Mines Bonus Scheme, 1955, published with S.R.O. 1705 dated the 4th October, 1952, S.R.O. 3643 dated the 17th December, 1954, and S.R.O. 2042 dated the 8th September, 1955, respectively, to the extent specified in the said Schedule.

'THE SCHEDULE'

1. The Chief Labour Commissioner (Central), New Delhi (for all the three Schemes mentioned above).
2. The Deputy Chief Labour Commissioner (Central) New Delhi (for all three Schemes).
3. The Deputy Chief Labour Commissioner (Central) Dhanbad, (for Assam Coal Mines Bonus Scheme).
4. The Regional Labour Commissioner (Central) Hyderabad (for Andhra Pradesh Coal Mines Bonus Scheme, 1952).
5. The Regional Labour Commissioner (Central), Ajmer (for Rajasthan Coal Mines Bonus Scheme, 1954).
6. The Regional Labour Commissioner (Central), Calcutta (for Assam Coal Mines Bonus Scheme, 1955).

[No. 3(35)/67-PF-I(ii).]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 26th September 1967

S.O. 3578.—Whereas the proceedings with regard to the certification of the draft standing orders in respect of the various projects of the National Projects Construction Corporation Limited are pending with the Regional Labour Commissioner (Central), Jabalpur;

And whereas Shri D. Panda, the said Regional Labour Commissioner (Central), Jabalpur has since been transferred as Regional Labour Commissioner (Central), Asansol.

Now, therefore, in exercise of the powers conferred by clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government, being the appropriate Government for the purposes of the said Act in respect of the National Projects Construction Corporation Limited, hereby, appoints Shri D. Panda as the Certifying Officer and authorises him to continue to deal with the certification of the said draft standing orders.

[No. F. 23/19/66/LR-I.]

ORDERS

New Delhi, the 25th September 1967

S.O. 3579.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Narang Bank of India Limited, New Delhi and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section 1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workmen of Narang Bank of India Limited, New Delhi that the terms and conditions of their service should be in accordance with the Memorandum of Settlement arrived on the 19th October 1966 between the managements of the banks as represented by the Indian Banks Association, Bombay and the Bombay Exchange Banks Association, Bombay and the workmen of the said banks as represented by the All India Bank Employees Association and the all India Bank Employees Federation, is justified? If so, to what relief are they entitled?

[No. 51/59/67/LRIII.]

New Delhi, the 28th September 1967

S.O. 3580.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kharia China Clay Mines of Patelnagar Minerals and Industries (Private) Limited, Post Office Patelnagar District Birbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

I. (a) Whether the demand of the workman of Kharia China Clay Mines of Messrs Patelnagar Minerals and Industries (Private) Limited, Post Office Patelnagar, District Birbhum, West Bengal for revision of the wages and dearness allowance is justified?

(b) If so, to what relief are the workmen entitled and from what date?

II. (a) Whether the demand of the workmen of Kharia China Clay Mines of M/s. Patelnagar Minerals and Industries (Private) Limited, for payment of bonus for the accounting years 1964-65 and 1966 is justified?

(b) If so, to what relief are the workmen entitled?

III. (a) Whether the demand of the workmen for the abolition of the contract labour system in the Kharia China Clay Mines M/s. Patelnagar Minerals and Industries (Private) Limited is justified?

(b) If so, from what date?

[No. F. 24/26/67/LRI.]

S.O. 3581 —Whereas an industrial dispute between certain employers and their workmen concerning the Bombay Port was referred to the Industrial Tribunal, Bombay by the Order of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1920 dated the 24th May, 1967;

And, whereas the Central Government is of opinion that the said dispute is of such a nature that the establishments specified in the Schedule hereto annexed are likely to be interested in or affected by that dispute;

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby includes in the said reference, the establishments specified in the said Schedule.

SCHEDULE

- (1) M/s. Eastern Bunkers Private Ltd., Scindia House, Dougall Road, Ballard Estate, Bombay. Licence No. CHA-11/74.
- (2) M/s. C. C. Shah & Son (Prop. Vinodchandra C. Shah), Nazir Building 6/12, Calicut Street, Ballard Estate, Bombay-1. Licence No. CHA11/217.
- (3) Shri Sudhri Sakarchand Shah, Boman Building, Calicut Street, Ballard Estate, Bombay-1. Licence No. CHA-11/223.
- (4) Shri Vijaysinh Virchand Ved, (Prop. of M/s. Vijaya Sinh & Co.), 13/21, 3rd Panjarpole Lane, Bombay-4. Licence No. CHA-11/298.
- (5) Shri M. H. Hardawala, 30-Turner Road, Bandra, Bombay-50. Licence No. CHA-11/318.
- (6) M/s. Josco Shipping Agency (Prop. Jose Makuden), Dalal Shed, Ground Floor, New Custom House, Bombay-1. Licence No. CHA-11/322.

[No. 28(14)/67-LR.III.]

CORRIGENDUM

New Delhi, the 25th September 1967

S.O. 3582.—In the Notification of the Government of India in the Department of Labour and Employment No. S.O. 1780, dated the 12th May, 1967, published on pages 1772 to 1792, for the existing line 12 on page 1782, the following may be substituted.

“the post of Assistant Station Superintendent, Crew Scheduling, Customer Service,”

[No. 17/1/66-LR.IV.]

S. S. SAHASRAMANAN, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 27th September 1967

S.O. 3583.—In pursuance of rule 76-A of Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby makes the following Order to amend the Order published with the Notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 530, dated the 3rd February, 1964, namely:—

In the said Order,

For the words and figures “30th September, 1967”, the words and figures “31st December, 1967”, shall be substituted.

[No. F. 14(22)Comp & Prop/64.]

A. G. VASWANI,
Settlement Commissioner & Ex-Officio Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 25th September 1967

S O. 3584.—Statement of the Affairs of the Reserve Bank of India as on the 15th September, 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	35,94,29,000
Reserve Fund	80,00,00,000	Rupee Coin	3,90,000
National Agricultural Credit (Long Term Operations) Fund . . .	131,00,00,000	Small Coin	3,95,000
National Agricultural Credit (Stabilisation) Fund . . .	25,00,00,000	Bills Purchased and Discounted—	
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	(a) Internal
		(b) External
		(c) Government Treasury Bills	345,38,36,000
		Balances held abroad*	20,06,99,000
		Investments**	151,99,16,000
		Loans and Advances to :—	
		(i) Central Government
		(ii) State Governments@	25,54,45,000
Deposits—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	2,22,95,000
(i) Central Government	101,61,12,000	(ii) State Co-operative Banks‡	161,70,14,000
		(iii) Others	3,06,55,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	11,44,61,000	(a) Loans and Advances to :—	
		(i) State Governments	28,32,34,000
		(ii) State Co-operative Banks	14,35,76,000
		(iii) Central Land Mortgage Banks
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,30,80,000
(i) Scheduled Commercial Banks	125,87,24,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	5,68,89,000	Loans and Advances to State Co-operative Banks	8,55,08,000
(iii) Non-Scheduled State Co-operative Banks	87,17,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(iv) Other Banks	14,40,000	(a) Loans and Advances to the Development Bank	5,24,15,000
(c) Others	264,22,03,000	(b) Investment in bonds/debentures issued by the Development Bank
Bills payable	24,70,99,000	Other Assets	32,93,07,000
Other Liabilities	37,15,49,000		
	<u>Rupees</u>		<u>Rupees</u>
	842,71,94,000		842,71,94,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 20th day of September, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of September, 1967
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	35,94,29,000		Gold Coin and Bullion :—		
Notes in Circulation	2938,97,37,000		(a) Held in India	115,89,25,000	
Total Notes issued		2974,91,66,000	(b) Held outside India		
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		77,68,82,000
			Government of India Rupee Securities		2614,91,59,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2974,91,66,000	TOTAL ASSETS		2974,91,66,000

Dated the 20th day of September 1967.

B. N. ADARKAR,
Dy. Governor.
[No F. 3(3)-BC/67]

New Delhi, the 27th September 1967

S.O. 3585.—In exercise of the powers conferred by Section 50 of the Reserve Bank of India Act, 1934, (2 of 1934), the Central Government hereby appoints the following firms as Auditors of the Reserve Bank of India for the year 1967-68 namely:—

- (1) Messrs. S. B. Billimoria & Co.,
113, Mahatma Gandhi Road,
Fort, Bombay.
- (2) Messrs. Brahmayya & Co.,
337, Thambu Chetty Street,
Madras-1.
- (3) Messrs. Ray & Ray,
6, Church Lane,
Calcutta.

[No. F. 3(61)-BC/67.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 19th September 1967

S.O. 3586.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri N. K. Ganguly, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated the 22nd May, 1964, namely:—

In the Schedule to the said notification, for the entry,

“2. Shri T. K. Sourirajan, Assistant Commissioner of Income-tax, Calcutta.”
the following entry shall be substituted, namely:—

“2. Shri N. K. Ganguly, Assistant Commissioner of Income-tax, Calcutta.”

2. This Notification shall be deemed to have come into force on the forenoon of the 26th day of June, 1967.

[No. 18/F. No. 2/9/67-E.D.]

S.O. 3587.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri T. K. Sourirajan, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated the 22nd May, 1964, namely:—

In the Schedule to the said notification, for the entry,

“2. Shri N. K. Ganguly, Assistant Commissioner of Income-tax, Calcutta.”
the following entry shall be substituted, namely:—

“2. Shri T. K. Sourirajan, Assistant Commissioner of Income-tax, Calcutta.”

2. This notification shall be deemed to have come into force on the afternoon of the 16th day of August, 1967.

[No. 20/F. No. 1/9/67-E.D.]

G. R. HEGDE, Dy. Secy.

(Department of Revenue and Insurance)

New Delhi, the 23rd September 1967

S.O. 3588.—In exercise of the powers conferred by sub-section (5) of section 5 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962), the Central

Government hereby makes the following Scheme further to amend the Emergency Risks (Goods) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 3945, dated the 26th December, 1962, namely:—

1. (1) This Scheme may be called the Emergency Risks (Goods) Insurance (Third Amendment) Scheme, 1967.

(2) It shall come into force on the first day of October, 1967.

2. In the Emergency Risks (Goods) Insurance Scheme, for paragraph 10, the following paragraph shall be substituted, namely:—

“10. Rate of premium.

(1) Subject to the provisions of sub-paragraph (2) the premium payable under any policy of insurance issued in respect of the quarter ending on the 31st day of December, 1967 shall—

(a) in the case of a policy in force on the 30th day of September, 1967, be nil;

(b) in any other case, be at the rate of six paise for every hundred rupee, or any part thereof of the sum insured, subject to a maximum of twenty-five rupees.

(2) The Central Government may, in its discretion at any time during the said quarter, revise the premium payable under the policies referred to in sub-paragraph (1).

(3) Where the amount of any premium payable under sub-paragraph (1) involves a fraction of a rupee, the premium shall be rounded off to the nearest rupee. The premium shall be payable in one lump sum in respect of the entire quarter for which the policy is in force:

Provided that if any goods become insurable or are insured under this Scheme after the commencement of the quarter, the premium shall be payable in one lump sum, which shall be equivalent to the amount payable in respect of goods insurable during the entire quarter reduced by an amount which bears to the first mentioned amount the same proportion as the number of completed months in that quarter before the goods become insurable or are insured bears to three, the actual amount due in accordance with this proviso if it involves a fraction being rounded off to the nearest rupee.

(4) Where the premium has been revised under sub-paragraph (2), the provisions contained in the proviso to sub-paragraph (3) shall apply for the purpose of calculation of the additional amount of premium payable or of the amount of premium refundable, as the case may be, as a result of such revision, as if all the policies came into force on the date of such revision.”

[No. F. 101(1)-INSI/67-ERI(I).]

S.O. 3589.—In exercise of the powers conferred by sub-section (6) of section 3 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby makes the following Scheme further to amend the Emergency Risks (Factories) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 3946 dated the 26th December, 1962, namely:—

1. (1) This Scheme may be called the Emergency Risks (Factories) Insurance (Third Amendment) Scheme, 1967.

(2) It shall come into force on the first day of October, 1967.

2. In the Emergency Risks (Factories) Insurance Scheme, for paragraph 8, the following paragraph shall be substituted namely:—

“8. Rate of premium.

(1) Subject to the provisions of sub-paragraph (2) the premium payable under any policy in insurance issued in respect of the quarter ending on the 31st day of December, 1967 shall—

(a) in the case of a policy in force on the 30th day of September, 1967, be nil;

(b) in any other case, be at the rate of ten paise for every hundred rupees or any part thereof of the sum insured, subject to a maximum of twenty-five rupees

(2) The Central Government may, in its discretion, at any time during the said quarter, revise the premium payable under the policies referred to in sub-paragraph (1).

(3) Where the amount of any premium payable under sub-paragraph (1) involves a fraction of a rupee, the premium shall be rounded off to the nearest rupee. The premium shall be payable in one lump sum in respect of the entire quarter for which the policy is in force:

Provided that if any factory becomes insurable or is insured under this Scheme after the commencement of the quarter, the premium shall be equivalent to the amount payable in respect of factories insurable during the entire quarter reduced by an amount which bears to the first mentioned amount the same proportion as the number of completed months in that quarter before the factory becomes insurable or is insured bears to three, the actual amount due in accordance with this proviso if it involves a fraction being rounded off to the nearest rupee.

(4) Where the premium has been revised under sub-paragraph (2), the provisions contained in the proviso to sub-paragraph (3) shall apply for the purpose of calculation of the additional amount of premium payable or of the amount of premium refundable, as the case may be, as a result of such revision, as if all the policies came into force on the date of such revision."

[No. F. 101(1)-INS.I/67-ERI(II).]

RAJ K. NIGAM, Dy. Secy.

(Department of Revenue and Insurance)

F.E.R.A.

New Delhi, the 7th October 1967

S.O. 3590.—In exercise of the powers conferred by section 2A of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby appoints the Additional Director of Enforcement to be an officer of Enforcement for the purpose of enforcing the provisions of the said Act.

[No. 3/67-FERA/F. No. 1/2/67-Tech. Coord.]

R. C. MISRA, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

Department of Company Affairs)

New Delhi, the 27th September 1967

S.O. 3591.—In exercise of the powers conferred by sub-rule (1) of rule 5A of the Companies (Central Government's) General Rules and Forms, 1956, the Central Government hereby appoints the Superintendent, Office of the Registrar of Companies, Madhya Pradesh, Gwalior as prescribed authority for purposes of clause (a) of sub-section (1A) of Section 108 of the Companies Act, 1956 (1 of 1956).

[No. F.5/5/67-CL.V.]

F. N. SANYAL, Under Secy.